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ALASKA STATUTES

Title 7
Boroughs

DECEMBER 1962

ALASKA STATUTES

Title 7 Boroughs (REPEALED)

OCTOBER 1972

Repeal of Title 7.—Chapter 118, SLA 1972, repealed Title 7 (Boroughs) and former Title 29 (Municipal Corporations) and enacted new Title 29 (Municipal Government) in lieu of the repealed provisions.

Repealed Title 7 derived from §§ 1.01—1.03, ch. 146, SLA 1961; §§ 2.01—2.14, ch. 146, SLA 1961; §§ 3.01—3.06, ch. 146, SLA 1961; §§ 3.31—3.35, ch. 146, SLA 1961; §§ 3.71—3.80, ch. 146, SLA 1961; § 3.91, ch. 146, SLA 1961; §§ 4.01—4.16, ch. 146, SLA 1961; §§ 5.01—5.10, ch. 146, SLA 1961; §§ 6.01—6.11, ch. 146, SLA 1961; §§ 7.01, 7.02, c. 146, SLA 1961; §§ 7.11—7.21, ch. 146, SLA 1961; §§ 7.41—7.52, ch. 146, SLA 1961; § 8.01, ch. 146, SLA 1961; §§ 1—18, ch. 110, SLA 1962; §§ 5—8, ch. 52, SLA 1963; §§ 1, 2, ch. 53, SLA 1963; § 1, ch. 81, SLA 1963; § 5, ch. 34, SLA 1964; § 1, ch. 35, SLA 1964; § 1, ch. 61, SLA 1964; § 1, ch. 8, SLA 1965; §§ 1, 2, ch. 82, SLA 1965; §§ 1, 2, ch. 100, SLA 1965; § 4, ch. 100, SLA 1965; § 4, ch. 7, SLA 1966; § 1, ch. 47, SLA 1966; § 59, ch. 98, SLA 1966; §§ 4, 5, ch. 109, SLA 1966; §§ 1—7, ch. 129, SLA 1966; § 5, ch. 157, SLA 1966; § 7, ch. 157, SLA 1966; § 1, ch. 16, FSSLA 1967; § 1, ch. 34, SLA 1967; § 1, ch. 42, SLA 1967; §§ 1, 2, ch. 59, SLA 1967; §§ 1, 2, ch. 70, SLA 1967; §§ 1, 2, ch. 113, SLA 1967; §§ 3, 4, ch. 135, SLA 1968; § 1, ch. 143, SLA 1968; §§ 1—3, ch. 156, SLA 1968; § 2, ch. 171, SLA 1968; § 2, ch. 182, SLA 1968; § 3, ch. 70, SLA 1969; § 3, ch. 86, SLA 1969; § 1, ch. 110, SLA 1969; § 5, ch. 116, SLA 1969; § 7, ch. 116, SLA 1969; § 4, ch. 69, SLA 1970; § 8, ch. 113, SLA 1970; § 1, ch. 213, SLA 1970; § 3, ch. 218, SLA 1970; § 1, ch. 6, SLA 1971; § 3, ch. 12, SLA 1971; § 5, ch. 32, SLA 1971; § 1, ch. 8, SLA 1972; § 2, ch. 40, SLA 1972.

Alaska and Oregon case notes which appeared under provisions of repealed Title 7 and former Title 29 have been relocated under similar provisions of new Title 29.

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Alaska Statutes

Title 7. Boroughs.

Chapter

- 05. The Unorganized Borough (§§ 07.05.010—07.05.030)
- 10. Incorporation of an Organized Borough (§§ 07.10.010—07.10.140)
- 15. Powers of First and Second Class Boroughs (§§ 07.15.010—07.15.910)
- 20. Organized Borough Assembly (§§ 07.20.010—07.20.160)
- 25. Borough Executive (§§ 07.25.010—07.25.110)
- 30. Elections (§§ 07.30.010—07.30.100)
- 35. Classification, Reclassification, Merger, Consolidation, and Dissolution (§§ 07.35.010—07.35.520)
- 40. General Provisions (§ 07.40.010)

Chapter 05. The Unorganized Borough.

Section

- 10. Establishment
- 20. Service areas

Section

- 30. Transition of special service districts

Sec. 07.05.010. Establishment. All areas in the state which are not within the boundaries of an organized borough constitute a single unorganized borough. (§ 1.01 ch 146 SLA 1961)

Cited in Fairview Pub. Util. Dist. No. 1 v. Anchorage, Sup. Ct. Op. No. 61 (File No. 69), 368 P. (2d) 540. Am. Jur. reference.—37 Am. Jur., Municipal Corporations, § 1 et seq.

Sec. 07.05.020. Service areas. Allowing for maximum local participation, the legislature, under the powers of a borough assembly, may establish, alter, or abolish services areas within the unorganized borough to provide special services, which may include but are not limited to, schools, utilities, land use regulations, and fire protection. A new service area shall not be established if the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city. (§ 1.02 ch 146 SLA 1961)

This section carries out the intent of the Alaska Constitution, art. X, § 6. 1961 Op. Atty. Gen., No. 24.

The legislature would be unable to create school service areas comparable to an incorporated school district under this section, since it could not grant the same powers of fiscal autonomy to such a service area. Nor could the legislature accomplish this fiscal autonomy by authorizing school service areas to submit their budgets

to the people by referendum, since this would violate the Alaska Constitution, art. XI, § 7. 1961 Op. Atty. Gen., No. 24.

But it could establish such school service areas in an unorganized borough by general law. — 1961 Op. Atty. Gen., No. 24.

Subject to the restrictive limitations of the Alaska Constitution, art. X, § 5.—1961 Op. Atty. Gen., No. 24.

Sec. 07.05.030. Transition of special service districts. Special service districts existing on October 1, 1961, may continue to exercise their powers and functions under existing law until July 1, 1963, or until such time within this period that they are integrated into city or organized borough government, annexed to or incorporated as cities, or established as service areas in the unorganized borough. (§ 1.03 ch 146 SLA 1961)

Cross reference. — For constitutional provisions as to transition of special service districts, see Alaska Constitution, art. XV, § 3.

Chapter 10. Incorporation of an Organized Borough.

Section	Section
10. Incorporation proposed by petition	90. Report to the Local Boundary Commission
20. Form of petition	100. Hearing by Local Boundary Commission
30. Standards for incorporation	110. Determination by Local Boundary Commission
40. Standards for composition and apportionment	120. Election
50. Standards for assignment of areawide powers	130. Integration of existing special districts and service areas
60. Review by Local Affairs Agency	140. Transition
70. Return of petition	
80. Investigation	

Sec. 07.10.010. Incorporation proposed by petition. The incorporation of a first or second class organized borough is proposed by filing a petition with the Local Affairs Agency. (§ 2.01 ch 146 SLA 1961)

Sec. 07.10.020. Form of petition. The petition shall be in the form prescribed by the Local Affairs Agency and shall include the following:

- (1) the class of the proposed organized borough, either first class or second class as provided in ch. 15 of this title;
- (2) the name and borough seat of the proposed borough;
- (3) the boundaries of the proposed borough under the standards prescribed by § 30 of this chapter;
- (4) the proposed composition and apportionment of the assembly under the standards prescribed by § 40 of this chapter;
- (5) if the petition is for the incorporation of a first class borough, a designation of any areawide power to be exercised under the standards prescribed by § 50 of this chapter;
- (6) if the petition is for the incorporation of a second class borough, a designation of any areawide power to be exercised under the standards prescribed by § 50 of this chapter and a designation of any power to be exercised in the area outside cities only and not on an areawide basis as prescribed by AS 07.15.720;
- (7) maps, documents, and other information which may be required by the Local Affairs Agency to show that the proposed organized borough meets the standards for incorporation; and

(8) the signature and resident address of a per cent of qualified voters in each first class city and a per cent of qualified voters in the area outside first class cities according to the following schedule:

Number of Qualified Voters	Per Cent
Over 15,000	15
Less than 15,000 but over 7,500	15
Less than 7,500	25

The per cent of qualified voters shall be based on the total number who voted in person in the area proposed for incorporation in the last general election. (§ 2.02 ch 146 SLA 1961; am § 1 ch 110 SLA 1962)

Petition to contain only designation of areawide power.—Item (5) of this section contemplates that the incorporation petition contain only a designation of the areawide power to be exercised under the standards prescribed by AS 07.10.050. 1962 Op. Atty. Gen., No. 9.

And not provisions setting up an organization apart from the borough assembly to exercise the particular power. 1962 Op. Atty. Gen., No. 9.

As the latter is a task for the borough assembly. — The establishment of a department and of standards and procedures to be used in the exercise of an areawide power is a task for the borough assembly, in which is vested the general legislative power. 1962 Op. Atty. Gen., No. 9.

Sec. 07.10.030. Standards for incorporation. No area may be incorporated as an organized borough unless it conforms to the following standards.

(1) The population of the area proposed for incorporation shall be interrelated and integrated as to its social, cultural, and economic activities. The population shall be qualified and willing to assume the duties arising out of incorporation, shall have a clear understanding of the nature of the undertaking for which they ask, and shall be large enough and stable enough to warrant and support the operation of organized borough government.

(2) The boundaries of the proposed organized borough shall conform generally to the natural geography of the area proposed for incorporation, shall include all areas necessary and proper for the full development of integrated local government services, but shall exclude all areas such as military reservations, glaciers, ice-caps, and uninhabited and unused lands unless such areas are necessary or desirable for integrated local government.

(3) The economy of the proposed organized borough shall encompass a trading area with the human and financial resources capable of providing an adequate level of governmental services. In determining the sufficiency and stability of an area's economy, land use, property valuations, total economic base, total personal income, present and potential resource or commercial development,

anticipated functions, expenses, and income of the proposed organized borough, shall be considered.

(4) The transportation facilities in the area proposed for incorporation shall be of such a unified nature as to facilitate the communication and exchange necessary for the development of integrated local government and a community of interests. Means of transportation may include surface (both water and land) and air. Areas which are accessible to other parts of a proposed organized borough by water or air only may not be included within the organized borough unless access to them is reasonably inexpensive, readily available, and reasonably safe. In considering the sufficiency of means of transportation within a proposed organized borough, existing and planned roads and highways, air transport and landing facilities, boats and ferry systems, and railroads, shall be included. (§ 2.03 ch 146 SLA 1961)

Sec. 07.10.040. Standards for composition and apportionment. The borough assembly shall be composed and apportioned according to the following standards.

(1) If there is no first class city within the organized borough, the assembly is composed of the number of seats shown on the following table:

Population	Assembly Seats
under 6,000	5
6,000—12,000	7
12,001—30,000	9
over 30,000	11

(2) If there is but one first class city in the organized borough, the assembly is composed of at least two assemblymen from the first class city and at least three assemblymen from the area outside the first class city.

(3) If there is more than one first class city in the organized borough, the assembly is composed of at least one assemblyman from each first class city and at least three assemblymen from the area outside first class cities.

(4) The assembly seats shall be apportioned as follows:

(a) Except as provided in (2) of this section, each first class city shall have the number of seats designated in the following table, unless a lesser number is approved by a resolution of the city council of the city concerned:

Population	Assembly Seats
under 2,000	1
2,000—6,000	2
6,001—12,000	3
12,001—30,000	4
over 30,000	5

(b) The area outside first class cities shall have a number of assemblymen which shall equal one more than the total number of all assemblymen who represent first class cities. (§ 2.04 ch 146 SLA 1961; am § 2 ch 110 SLA 1962)

Sec. 07.10.050. Standards for assignment of areawide powers. In addition to the areawide powers required by this title, those areawide powers which can be exercised more efficiently and economically on an areawide basis or through the use of service areas by the organized borough shall be assigned to the proposed borough. In determining efficiency and economy, the present and anticipated benefit and cost of operation, responsiveness to people served, ability to operate over extended distances, the feasibility of integration, and other factors shall be considered. (§ 2.05 ch 146 SLA 1961)

Power of borough given areawide health powers. — If a borough were given areawide public health powers, the borough assembly would have the power under the law to contract with any city for the furnishing of addi-

tional health services. 1962 Op. Atty. Gen., No. 9.

Should not be referred to in the incorporation petition.—See 1962 Op. Atty. Gen., No. 9.

Sec. 07.10.060. Review by Local Affairs Agency. Upon receipt of a petition, the Local Affairs Agency shall immediately proceed with a review of it to determine if (1) the petition is substantially in the proper form and (2) the petition is signed by the required number of qualified voters. (§ 2.06 ch 146 SLA 1961)

Sec. 07.10.070. Return of petition. If the Local Affairs Agency determines that the petition is not substantially in the proper form or lacks the minimum number of qualified voters signing the petition, the agency shall not accept the petition but may return it for correction or completion. (§ 2.07 ch 146 SLA 1961)

Sec. 07.10.080. Investigation. (a) If the Local Affairs Agency determines that the petition is substantially in the proper form and contains the required number of qualified voters' signatures, the agency shall conduct an investigation to determine if (1) the proposed incorporation of the borough, (2) the proposed composition and apportionment of the borough assembly, and (3) the proposed assignment of areawide powers meet the standards prescribed by this title. In investigating the proposed apportionment of the borough assembly, the agency shall use the latest figures of the United States Bureau of the Census. However, if these figures are considered inadequate by the agency because of recent population changes or other limitations in the use of these figures, the agency may use any method necessary to determine most accurately the actual population.

(b) The Local Affairs Agency may combine petitions for incorporation from the same general area whether all or part of

the same area is included in the petitions. Petitions shall be investigated in the order deemed advisable by the Local Affairs Agency, and not necessarily in the order received. (§ 2.08 ch 146 SLA 1961)

Sec. 07.10.090. Report to the Local Boundary Commission. The Local Affairs Agency shall report the findings of its investigation to the Local Boundary Commission together with any recommendations it may have regarding the incorporation of the proposed organized borough, the composition and apportionment of the assembly, and the assignment of areawide powers. (§ 2.09 ch 146 SLA 1961)

Sec. 07.10.100. Hearing by Local Boundary Commission. The Local Boundary Commission shall hold at least one hearing in the area to be incorporated as an organized borough for the purpose of hearing public comment on the proposal for the incorporation of the organized borough, the composition and apportionment of the borough assembly, the assignment of areawide powers, and the location of borough boundaries. (§ 2.10 ch 146 SLA 1961)

Sec. 07.10.110. Determination by Local Boundary Commission. After considering the findings of the Local Affairs Agency and the comments at the public hearing, the Local Boundary Commission shall determine if the petition is to be accepted. If the commission determines that the proposed organized borough fails to meet the standards for incorporation or the composition and apportionment of the assembly prescribed by this title, the commission shall reject the petition. If the commission determines that the proposed organized borough meets the standards for incorporation and the composition and apportionment of the assembly prescribed by this title, the commission shall accept the petition. If the Local Boundary Commission determines that the proposed organized borough would meet the standards prescribed by this title, if changes were made in the composition and apportionment of the borough assembly, the boundaries of the proposed borough, or the areawide powers to be exercised by the proposed borough, the commission may change the boundaries of the proposed organized borough or the composition and apportionment of the borough assembly or the areawide powers of the proposed organized borough and accept the petition. Any person aggrieved by any determination of the commission may appeal to the superior court in the manner and within the scope of review prescribed by the Administrative Procedure Act (AS 44.62). (§ 2.11 ch 146 SLA 1961)

Sec. 07.10.120. Election. (a) Date of election. If the Local Boundary Commission accepts the petition, it shall immediately notify the secretary of state of its action and shall furnish him with such information on the proposed incorporation as he re-

quires. Within 30 days after the receipt of his notification, the secretary of state shall issue an order that an election be held within the proposed organized borough to determine the question of whether the qualified voters of the proposed organized borough desire to be incorporated; and if so, to elect members of the first assembly of the borough, the borough chairman, and the members of the first school board, and to determine whether the borough shall have an appointed borough manager or an elected borough chairman. The date of the election specified by the secretary of state in the order shall be not less than 30 nor more than 90 days after the date of the order of election. The secretary of state shall also specify in the election order the dates during which petitions for nominations may be filed with him.

(b) Qualification of voters. Any person who is a qualified voter in Alaska and is a resident of the area within the proposed organized borough is qualified to vote in the election.

(c) Nominations. Nominations for the borough chairman, for school board members, and for candidates for the first assembly to represent the area outside any first class city may be made by petition. The petition shall be in the form prescribed by the secretary of state and shall include the name and address of the nominee and a statement of the nominee that he is qualified and will serve if elected. Petitions to nominate assemblymen shall include the signature of at least 50 qualified voters who are residents of the proposed borough in the area outside first class cities. Petitions for the nomination of borough chairman and school board members shall include the signatures of at least 50 qualified voters who are residents of the proposed borough either inside or outside cities. The petitions shall be filed with the secretary of state at the time designated by him in the order of election.

(d) Administration of election. The secretary of state shall supervise the administration of the election in the general manner as prescribed by the Alaska Election Code (AS 15.05—15.60), including, but not limited to, the establishment of precinct boundaries and polling places, appointment of election officials, preparation of ballots and other election materials and supplies, the giving of public notice, certifying of election expenses, the count, canvass and certification of returns, and the establishment of procedures for voting absentee, the use of voting machines, and election recounts.

(e) Separate voting. Areawide powers, if any, added to the original petition by the Local Boundary Commission shall be placed separately on the ballot in order that each may be voted on separately. The adoption of an added areawide power requires a favorable majority of the votes cast both in the cities and in the area outside cities. In an election for the incorporation of a second

class borough, each power, if any, to be exercised in the area outside cities only shall be placed separately on the ballot in order that each may be voted on separately. The adoption of a power to be exercised in the area outside cities only requires a favorable majority of the votes cast, and the vote on the question is limited to the qualified voters residing outside cities.

(f) Certification. If the majority of votes cast on the question are not for incorporation, the secretary of state shall so certify and the proposal is defeated. If the majority of votes cast on the question are for incorporation, the secretary of state shall so certify and the certification shall specify any powers adopted under the provisions of (e) of this section, and shall declare that the area in which the election was held is an organized borough and a municipal corporation; that the organized borough possesses all the powers and privileges as prescribed by this title; and that the boundaries and borough seat are those specified in the petition approved by the qualified voters. If the majority of votes cast on the question are in favor of an appointed borough manager, the secretary of state shall so certify and shall not certify any candidate as borough chairman. If the majority of votes cast on the question are not in favor of a borough manager, the secretary of state shall certify the name of the candidate who received the highest number of votes as borough chairman. The secretary of state shall also certify the names of those candidates who received the highest number of votes for the school board and for the available seats to be elected to the assembly from the area outside first class cities and shall issue election certificates to the elected candidates.

(g) First term of office. The elected borough chairman and assembly members elected shall meet on the first Monday after their certification and shall continue to serve until the next regular election. Assembly members representing first class cities are appointed from and by their city councils and shall also meet at the time designated for elected members.

(h) Costs. The secretary of state shall furnish the organized borough a statement of the cost incurred by the state in conducting the election, and the organized borough shall reimburse the state for the cost within three years of the date of incorporation. (§ 2.12 ch 146 SLA 1961)

Cross reference.—As to adoption or plan by organized borough, see AS abandonment of borough manager 07.25.020.

Sec. 07.10.130. Integration of existing special districts and service areas. Special service districts and service areas in the unorganized borough existing at the time of the incorporation of an organized borough and located within the boundaries of the organized borough shall be integrated into the organized borough with-

in two years after the date of the borough's incorporation. An organized borough shall succeed to all of the rights, powers, and duties of any service area and of any school districts and public utility districts included within its boundaries, including, but not limited to, claims, franchises and other contractual obligations, and liability for bonded and all other indebtedness, and shall succeed to all of the right, title, and interest in the real and personal property held by the service areas or districts. The borough assembly may levy and collect special charges, taxes, or assessments including interest for the purpose of amortizing bonded indebtedness previously incurred by the service area or special district, for continuing services in the area, or for the future indebtedness in the area. When a service area or special district had a previously incurred bonded indebtedness, no less than all property that was within the service area or special district at the time the bonds were issued shall remain subject to taxation to pay the principal of and interest on the bonds for as long as they remain outstanding. (§ 2.13 ch 146 SLA 1961 ; am § 3 ch 110 SLA 1962)

Cross reference. — For constitutional provision as to integrating existing special service districts, see Alaska Constitution, art. X, § 15.

Sec. 07.10.140. Transition. (a) The powers exercised by cities, service areas, and special districts which are succeeded to by an organized borough shall continue to be exercised by them until such time as the borough assumes the powers, which time may not exceed two years after the date of incorporation. Ordinances, rules, resolutions, regulations, procedures, and orders in effect prior to the assumption of these powers by the organized borough remain in effect until superseded by the action of the organized borough.

(b) The borough shall make written notice of its assumption of the powers, duties, and other items enumerated in § 130 of this chapter to the city, service area, or special district concerned prior to the assumption. Borough officials shall consult with the officials of the city, service area, or special district concerned and arrange for an orderly transfer.

(c) After the incorporation of an organized borough, no service area or special district within it may assume new bonded indebtedness, make any contract, or transfer any assets without the consent of the borough assembly.

(d) Each borough assembly shall determine the future use of any sales tax levied by an independent school district. It may make all or any part of the sales tax an areawide sales tax for areawide functions and all or any part of the sales tax a tax limited to the area outside cities only for functions limited to the area outside cities. It may abandon all or any part of the sales tax. This subsection applies only to the transition of sales taxes levied

by independent school districts. (§ 2.14 ch 146 SLA 1961; am § 4 ch 110 SLA 1962)

Superfluous to include duration of ordinances in incorporation petition.—Under this section, city ordinances affecting public health would remain in effect for a period not to exceed two years from the date of the

borough's incorporation or until superseded by ordinances passed by the borough, and it is superfluous to include this in the incorporation petition. 1962 Op. Atty. Gen., No 9.

Chapter 15. Powers of First and Second Class Boroughs.

Article

1. General Powers of First and Second Class Boroughs (§§ 07.15.010—07.05.060)
2. Scope of Areawide Powers (§§ 07.15.310—07.15.350)
3. First and Second Class Boroughs' Powers in the Area Outside Cities Only (§§ 07.15.710—07.15.800)
4. Transfer of Powers to First and Second Class Boroughs (§ 07.15.910)

Article 1. General Powers of First and Second Class Boroughs.

Section

10. Powers of first and second class boroughs
20. Annexation and exclusion
30. Indebtedness

Section

40. Expenditure of revenues
50. Service areas
60. Transferred powers

Sec. 07.15.010. Powers of first and second class boroughs. The first and second class boroughs have the following general powers:

- (1) to establish and prescribe the function of borough departments, offices, or agencies;
- (2) to establish and prescribe salaries for the borough assembly, the borough chairman, and borough officers and employees;
- (3) to make investigation of the affairs of the borough and make inquiries into the conduct of any borough department;
- (4) to enter into agreements, including those for cooperative or joint administration of any functions or powers with any other local government, with the state, or with the United States;
- (5) to require periodic and special reports from any borough department to be submitted through the chairman;
- (6) to sue and be sued;
- (7) to levy all taxes and special assessments, enforce tax liens, and assess and collect penalties in the manner provided for first class cities. It may levy
 - (A) areawide taxes for areawide functions and
 - (B) taxes limited to the area outside cities for functions limited to the area outside cities;
- (8) to prescribe penalties for violations of borough ordinances in the manner provided for first class cities;
- (9) to acquire and dispose of real and personal property in the manner provided for first class cities;

(10) to acquire membership in organizations and to promote legislation to the good of the borough in the manner provided for first class cities; and

(11) the state shall share with the organized borough those taxes it shares with other units of local government to the extent that the taxes are collected in the borough but outside any city which receives a share of the same tax. (§ 3.01 ch 146 SLA 1961; am § 5 ch 110 SLA 1962)

Cross reference. — As to taxes ment, see AS 43.35.050, 43.35.130, 43.- shared with units of local govern- 70.080 and 43.75.130.

Sec. 07.15.020. Annexation and exclusion. First and second class boroughs have the same powers of annexation and exclusion as first class cities and shall follow the same procedures for annexation and exclusion as first class cities, except that article V of the state constitution governs voting qualifications. (§ 3.02 ch 146 SLA 1961)

Cross reference.—As to annexation and exclusion by municipalities, see AS 29.70.010—29.70.240.

Sec. 07.15.030. Indebtedness. First and second class boroughs may incur indebtedness in the same manner and to the same extent as first class cities either

(1) on an areawide basis for areawide functions, or

(2) on a non-city basis for functions performed in the area outside cities only. (§ 3.03 ch 146 SLA 1961; am § 6 ch 110 SLA 1962)

Cross reference.—As to indebtedness of first class cities, see AS 29.- 10.204.

Sec. 07.15.040. Expenditure of revenues. Tax and other revenue measures levied on an areawide basis may be expended on general administrative costs and on areawide functions only. Tax and other revenue measures levied in the area outside cities only may be expended on functions which render services to the area outside cities only. (§ 3.04 ch 146 SLA 1961)

Sec. 07.15.050. Service areas. (a) Service areas to provide special services within a first or second class borough may be established, operated, altered, or abolished by the assembly by ordinance.

(b) The assembly may levy or authorize the levying of taxes, charges, or assessments in service areas to finance the special services. No special assessment may be levied except as provided by law for first class cities.

(c) The assembly may provide for appointed or elected boards to supervise the furnishing of special services in service areas.

(d) A new service area may not be established if the new service can be provided by an existing service area, or by annexation to a city, or incorporation as a city.

(e) The assembly may delegate any of the powers prescribed by § 710 of this chapter to a service area. In a second class borough, each delegated power must be approved by a majority of the qualified voters voting on the question who reside within the service area. The rate of taxation and the issuance of bonds shall remain subject to the approval of the assembly. (§ 3.05 ch 146 SLA 1961; am § 7 ch 110 SLA 1962)

Sec. 07.15.060. Transferred powers. First and second class boroughs shall exercise all powers transferred to them by cities under this chapter. (§ 3.06 ch 146 SLA 1961)

Article 2. Scope of Areawide Powers.

Section	Section
310. Scope of areawide powers	340. Planning and Zoning
320. Assessment and collection	350. Additional areawide powers
330. Education	

Sec. 07.15.310. Scope of areawide powers. First and second class boroughs shall exercise the powers specified in §§ 310—350 of this chapter on an areawide basis, both within and outside cities of any class within its boundaries. No city of any class, whether home rule or not, within an organized borough, may exercise any areawide power provided in this section or specified in the petition approved by the voters for incorporation once that power is being exercised by an organized borough. (§ 3.31 ch 146 SLA 1961)

Sec. 07.15.320. Assessment and collection. (a) The first and second class boroughs shall assess and collect all property taxes levied within their boundaries in the manner provided for first class cities. Taxes levied by the cities and collected by the borough shall be returned in full to the cities from which collected.

(b) A first or second class borough may, by ordinance adopted without weighted voting, adjust its property tax structure in whole or in part to the property tax structure of any home rule city within it, including, but not limited to, excluding personal property from taxation, establishing exemptions, and extending the redemption period.

(c) A home rule city shall have the same power to grant exemptions or exclude property from borough taxes that it has as to city taxes, provided that the exemptions or exclusions have been adopted as to city taxes and further provided that the city appropriate to the borough sufficient monies to equal revenues lost by the borough because of the exemptions or exclusions, the amount to be determined annually by the assembly without weighted voting. (§ 3.32 ch 146 SLA 1961; am § 8 ch 110 SLA 1962)

Cross reference.—As to assessment first class cities, see AS 29.10.369— and collection of property taxes by 29.10.540.

Sec. 07.15.330. Education. (a) Each organized borough constitutes a borough school district and the first and second class borough shall establish, maintain, and operate a system of public schools on an areawide basis, and shall do so in the manner provided by law for city school districts, except as provided otherwise by this title.

(b) The state law relating to teacher salaries and tenure, to financial support, to supervision by the Department of Education, and other general laws relating to schools, govern the exercise of the functions by the borough.

(c) The terms of office and membership of the borough school board shall be as provided by law for an independent school district. All school board members shall be elected at large, but school board zones for the representation of separate and distinct areas may be established, altered, or abolished as provided by AS 07.30.110. (§ 3.33 ch 146 SLA 1961; am § 9 ch 110 SLA 1962)

Cross references.—As to education generally, see Title 14. As to supervision by Department of Education, see AS 14.10.010—14.10.150. As to city schools and school districts, see AS 14.15.230—14.15.370. As to financial support of schools, see AS 14.15.600—14.15.750, 14.17.010—14.17.250, 14.50.010—14.50.080. As to tenure of teachers, see AS 14.20.100—14.20.210. As to salaries of teachers, see AS 14.20.220—14.20.270.

Sec. 07.15.340. Planning and zoning. (a) The first and second class borough has the responsibility of planning, platting, and zoning on an areawide basis and shall do so in the manner provided for first class cities, except that the planning commission shall also be the zoning commission. Nothing in this section prevents any city from having a planning and zoning commission in an advisory capacity. Appointment of borough planning and zoning commission members from a first class city shall be made from the city advisory commission membership.

(b) City councils continue to function as boards of adjustment within their boundaries. The borough assembly is the board of adjustment for the area outside cities and for cities which do not exercise this power. (§ 3.34 ch 146 SLA 1961; am § 10 ch 110 SLA 1962)

Cross reference. — As to planning and zoning in first class cities, see AS 29.10.207—29.10.243.

Sec. 07.15.350. Additional areawide powers. First class boroughs acquire additional areawide powers by transfer from a city. Second class boroughs acquire additional areawide powers in the same manner provided by §§ 710—800 of this chapter for their acquisition of additional powers to be exercised in the area outside cities only, except that the vote on the question is areawide. (§ 3.35 ch 146 SLA 1961)

**Article 3. First and Second Class Boroughs' Powers
in the Area Outside Cities Only.**

Section	Section
710. Powers of first class borough	770. Investigation
720. Powers of second class borough	780. Report to Local Boundary Commission
730. Additional powers for second class borough	790. Hearing by Local Boundary Commission
740. Form of petition	800. Election
750. Review by Local Affairs Agency	
760. Return of petition	

Sec. 07.15.710. Powers of first class borough. In addition to other powers granted by this title, the first class borough may exercise any power granted a first class city by general law in the area outside any city in the borough. These powers shall be exercised in the manner provided by general law for first class cities except as provided otherwise by this title. Before exercising any of these powers in the area outside cities, the borough shall first seek to have transferred from cities, or propose the joint exercise with cities, those powers which it intends to exercise in the area outside any city. (§ 3.71 ch 146 SLA 1961)

Cross reference. — As to powers granted first class cities, see AS 29.10.111—29.10.204.

Powers not to exceed those of comparable agencies in first class cities. —Broad public health provisions proposed in an incorporation petition would be contrary to this section, since the borough board of health would possess more power than is possessed by comparable agencies in first class cities. 1962 Op. Atty. Gen., No. 9.

Sec. 07.15.720. Powers of second class borough. In addition to other powers granted by this title, the second class borough may exercise only those powers in the area outside cities which are among the powers of a city of the first class and either (1) specified in the petition and approved by the voters for incorporation or (2) added as provided by this title. These powers shall be exercised in the manner provided by general law for first class cities except as provided otherwise by this title. Before exercising any of these powers in the area outside cities, the borough shall first seek to have transferred from cities or propose the joint exercise with cities, those powers which it intends to exercise in the area outside any city. (§ 3.72 ch 146 SLA 1961)

Cross reference. — As to powers granted first class cities, see AS 29.10.111—29.10.204.

Powers granted in violation of section. — Broad powers given to a borough board of health in a proposed incorporation petition would violate this section where such petition provided that health services should be administered not by the borough assembly but by the board of health which was to be appointed by the borough assembly, but otherwise to operate autonomously in making rules and regulations with the force of law. 1962 Op. Atty. Gen., No. 9.

Sec. 07.15.730. Additional powers for second class borough. The second class borough may add to the powers which it may exer-

cise in the area outside cities only by filing a petition with the Local Affairs Agency. (§ 3.73 ch 146 SLA 1961)

Sec. 07.15.740. Form of petition. The petition shall be in the form prescribed by the Local Affairs Agency and shall include

- (1) the name of the borough;
- (2) the proposed additional powers to be exercised by the borough;
- (3) the certification of the borough chairman that the assembly has approved the petition;
- (4) other information which may be required by the Local Affairs Agency. (§ 3.74 ch 146 SLA 1961)

Sec. 07.15.750. Review by Local Affairs Agency. Upon receipt of a petition, the Local Affairs Agency shall immediately proceed with a review of it to determine if (1) the petition is substantially in the proper form and (2) the petition is certified by the borough chairman. (§ 3.75 ch 146 SLA 1961)

Sec. 07.15.760. Return of petition. If the Local Affairs Agency determines that the petition is not substantially in the proper form or lacks the certification by the borough chairman, the agency shall not accept the petition but may return it for correction or completion. (§ 3.76 ch 146 SLA 1961)

Sec. 07.15.770. Investigation. If the Local Affairs Agency determines that the petition is substantially in the proper form and is certified by the borough chairman, the agency shall conduct an investigation to determine the feasibility and practicability of the borough's exercising the additional power or powers. (§ 3.77 ch 146 SLA 1961)

Sec. 07.15.780. Report to Local Boundary Commission. The Local Affairs Agency shall report the findings of its investigation to the Local Boundary Commission together with any recommendations it may have regarding the exercise of the additional powers by the borough. (§ 3.78 ch 146 SLA 1961)

Sec. 07.15.790. Hearing by Local Boundary Commission. The Local Boundary Commission shall hold at least one hearing in the borough for the purpose of hearing public comment on the proposal for the addition to the borough's powers. (§ 3.79 ch 146 SLA 1961)

Sec. 07.15.800. Election. (a) Date of election. The Local Affairs Agency shall notify the borough assembly immediately after publication of its findings and those of the Local Boundary Commission to hold an election in the borough on the question of adding to the borough's powers. Within 30 days of the receipt of its notification, the assembly shall call for an election to be held to determine

whether the borough shall add to its powers. The date of the election shall be not less than 30 nor more than 90 days after the call for the election.

(b) Qualification of voters. Any person who is a qualified voter in Alaska and is a resident of the borough in the area outside cities is qualified to vote on the question.

(c) Separate voting. If more than one power is to be added, they shall be placed separately on the ballot in order that each may be voted on separately.

(d) Certification. If the majority of the votes cast on the question are not for the addition of a power, the borough chairman shall so certify to the Local Affairs Agency and the proposal to add the power is defeated. If the majority of votes cast on the question are for addition of a power, the borough chairman shall so certify to the Local Affairs Agency and the proposal to add the power is accepted. The added power or powers go into effect on the day following the date of the certification of their approval by the voters. (§ 3.80 ch 146 SLA 1961)

Article 4. Transfer of Powers to First and Second Class Boroughs.

Section

910. Transfer by city

Sec. 07.15.910. Transfer by city. A city may transfer to the first or second class borough in which it is located any of its powers or functions subject to the approval of the borough assembly. A city may not revoke the transfer of any power or function to the borough unless the revocation is approved by a majority of its council. (§ 3.91 ch 146 SLA 1961; am § 11 ch 110 SLA 1962)

Chapter 20. Organized Borough Assembly.

Section

- 10. General power
- 20. Election and appointment
- 30. Reapportionment
- 40. Term of office
- 50. Qualifications
- 60. Organization
- 70. Procedure
- 80. Acts required to be by ordinance

Section

- 90. Form of ordinances
- 100. Ordinance of procedure
- 110. Emergency ordinances
- 120. Codes of technical regulations
- 130. Budget
- 140. Centralized purchasing
- 150. Post audit
- 160. Codification

Sec. 07.20.010. General power. The legislative power of the organized borough is vested in the assembly. (§ 4.01 ch 146 SLA 1961; am § 12 ch 110 SLA 1962)

Establishment of department and procedures for exercise of areawide power.—The establishment of a department and of standards and procedures to be used in the exercise of

an areawide power is a task for the borough assembly, in which is vested the general legislative power. 1962 Op. Atty. Gen., No. 9.
The borough assembly may set up

a board of health as an advisory board and be substantially guided by such a board of health in its exercise of the public health power, as long as the borough assembly is the body finally expressing the public health power. 1962 Op. Atty. Gen., No. 9.

Sec. 07.20.020. Election and appointment. Members of the assembly are appointed or elected according to the apportionment determined by the incorporation petition approved by the voters until the assembly is reapportioned. Members representing first class cities are appointed by and from the city councils, unless provided otherwise by city charter or ordinance. Members representing the area outside first class cities are elected. (§ 4.02 ch 146 SLA 1961)

Cross reference.—As to standards for apportionment, see AS 07.10.040.

Sec. 07.20.030. Reapportionment. The assembly may be reapportioned in the following manner.

(1) The assembly shall reapportion itself whenever the apportionment of the assembly does not meet the standards of apportionment provided by this title.

(2) Any 50 qualified voters in an organized borough may petition the borough assembly or the Local Affairs Agency to reapportion the assembly of the borough within which they reside. The petition shall include evidence that the apportionment of the assembly does not meet the standards prescribed by this title.

(3) Upon receipt of a petition, the assembly or Local Affairs Agency shall investigate its allegations and shall determine if the apportionment of the assembly meets the apportionment standards prescribed by this title. If it is determined that the standards are not met, the assembly or Local Affairs Agency shall reapportion the assembly accordingly. A reapportionment by the Local Affairs Agency prevails over one by an assembly. The reapportionment is effective beginning with the next regular election to the assembly. (§ 4.03 ch 146 SLA 1961)

Sec. 07.20.040. Term of office. The term of office of members of the assembly is the same as that of councilmen in the largest first class city within the borough or three years if there is no first class city within the borough. The term of office begins on the same day as that of councilmen in the largest first class city with the borough or on the first Monday following the borough election if there is no first class city within the borough. City councilmen on the assembly may not be replaced by the council unless their terms expire or they cease to be a member of either the assembly or the council. The assembly may provide for different terms by ordinance but no term of office may exceed three years. (§ 4.04 ch 146 SLA 1961)

Sec. 07.20.050. Qualifications. A person is eligible to be a member of the assembly if he is a qualified voter of the borough. If a member ceases to be a qualified voter of the borough, he shall immediately forfeit his office. If a member elected from the area outside first class cities becomes a resident of a first class city, he may continue to serve only until the next regular election. (§ 4.05 ch 146 SLA 1961)

Sec. 07.20.060. Organization. (a) The assembly shall elect from among its members a presiding officer and a deputy presiding officer, each of whom shall serve at its pleasure. The presiding officer shall preside at assembly meetings. If at any meeting the presiding officer is not present or is unable to act, the deputy presiding officer shall preside.

(b) The assembly shall elect a clerk or appoint the chairman or another administrative officer to serve as the clerk. Under the supervision of the assembly, the clerk shall

(1) give due notice of the time and place of assembly meetings to assembly members and to the public;

(2) keep the journal of the assembly proceedings;

(3) procure for the assembly any required publication of notices, ordinances, resolutions, and so forth;

(4) maintain and make available for public inspection an indexed file containing copies of the borough code, every adopted ordinance, resolution, rule, regulation, and code of regulations;

(5) perform the duties assigned him by any of the provisions of this title; and

(6) perform such other duties as the assembly may prescribe. (§ 4.06 ch 146 SLA 1961)

Sec. 07.20.070. Procedure. (a) The assembly shall meet regularly at least once every three months at the times and places prescribed by the assembly. Special meetings may be held on the call of the borough chairman, the presiding officer, or of one-fourth or more members, and whenever practicable, upon no less than 24 hours' effective notice to each member.

(b) The assembly may determine its own rules and order of business and shall provide for keeping a journal of its proceedings. The journal is a public record.

(c) The final vote on each ordinance or resolution shall be by roll call and the ayes and nays shall be recorded in the journal. A majority of the members of the assembly shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the assembly. No action of the assembly is valid or binding unless adopted by a ma-

jority vote of all the votes to which the assembly is entitled on the question.

(d) When the assembly votes on an ordinance or resolution in exercising one or more of the powers prescribed by AS 07.15.010(7) (A), 07.15.030(1), 07.15.060, 07.15.320, 07.15.330, 07.15.340, or 07.15.350, the votes shall be weighted as provided in this subsection to enable the assemblymen who represent a majority of the borough's population to have a majority of the votes.

(1) If one first class city has a majority of the borough's population, the votes of the assemblymen representing that city shall be weighted in the manner prescribed by (3) of this subsection.

(2) If one first class city does not have a majority of the borough's population, but two or more first class cities do have a majority of the borough's population, the votes of the assemblymen representing all the first class cities shall be weighted in the manner prescribed by (4) of this subsection.

(3) The weight to be given to each vote cast by the assemblymen present and voting who represent a first class city which has a majority of the borough's population shall be determined by dividing the number of all other assembly seats plus one by the number of all assembly seats apportioned to the first class city which has a majority of the population.

(4) The weight to be given to each vote cast by assemblymen present and voting who represent the first class cities which have a majority of the borough's population shall be determined by dividing the number of all assembly seats apportioned to the area outside cities plus one by the number of all assembly seats apportioned to the first class cities.

(5) If the area outside first class cities has the majority of the borough's population, no special weight may be used, and the vote of each assemblyman present and voting shall count as one vote. (§ 407 ch 146 SLA 1961; am §§ 13, 14 ch 110 SLA 1962)

Sec. 07.20.080. Acts required to be by ordinance. (a) In addition to other actions as this title or any other provisions of law require to be by ordinance, those acts of the assembly shall be by ordinance which

- (1) establish, alter, or abolish any borough department;
- (2) fix the compensation of members of the assembly;
- (3) provide for a fine or other penalty, or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (4) levy taxes;
- (5) make supplemental appropriations or transfer appropriations;
- (6) grant, renew, or extend a franchise;
- (7) regulate the rate charged for its services by any public utility;

(8) authorize the borrowing of money;

(9) purchase lands or convey or lease any lands of the borough, and the ordinance shall specify the terms of the purchase, conveyance, or lease;

(10) adopt or modify the official map, platting or subdivision controls or regulations, or the zoning plan;

(11) approve the transfer of any power from a city.

(b) This section grants no authority or power not otherwise granted by this title or other law, but rather obliges the assembly to use ordinances in exercising certain of its powers. (§ 4.08 ch 146 SLA 1961)

Borough department illegally established.—Where a proposed incorporation petition provided that public health services should be administered not by the borough assembly but by a board of health which was to be appointed by the borough assembly, but otherwise to operate autonomously in making rules and regulations with the force of law, such

rules and regulations would be illegal ordinances since they would be promulgated by the board of health rather than by the borough assembly. The board of health would constitute a borough department illegally established by the incorporation petition, and not by ordinance. 1962 Op. Atty. Gen., No. 9.

Sec. 07.20.090. Form of ordinances. Every ordinance shall be introduced in writing in the form required by the assembly. (§ 4.09 ch 146 SLA 1961)

Sec. 07.20.100. Ordinance of procedure. (a) Except as otherwise provided in this title, the following procedure shall govern the enactment of all ordinances: An ordinance may be introduced by any member or committee of the assembly or by the borough chairman at any regular or special meeting of the assembly. Upon introduction of any ordinance, sufficient copies shall be furnished to the clerk in order for him to immediately distribute at least one copy each to the assembly members and to the chairman. After an ordinance has been introduced, and unless it is rejected at the same meeting by the affirmative votes of not less than a majority of the assembly members, the assembly shall promptly cause the ordinance to be published, together with a notice setting out the time and place for a public hearing on the ordinance, and for its consideration by the assembly. The public hearing on any ordinance not rejected shall follow the required publication by at least one week, and it may be held separately or in connection with a regular or special assembly meeting and may be adjourned from time to time. At the public hearing held in accordance with the notice, copies of the ordinance shall be distributed to all persons present who request them or, in the alternative, the ordinance shall be read in full. All persons interested shall have an opportunity to be heard. After the hearing, the assembly shall consider the ordinance and may adopt it with or without amendment, or reject it. But if upon

consideration, the assembly amends the ordinance as to its substance, it may not adopt the amended ordinance until the ordinance or its amended sections have been published and until the ordinance has been subjected to hearing and to all other procedures required in the case of a newly introduced ordinance. The same procedure shall govern if the amended ordinance is again amended as to its substance. As soon as practicable after adoption of any ordinance, the assembly shall cause it to be printed and published.

(b) Except as otherwise provided in this title, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified in the ordinance.

(c) As used in this section, the term "published" means that

(1) at least a brief summary of the ordinance or sections concerned, together with any required notice, has been published in one or more newspapers of general circulation in the borough;

(2) copies of the ordinance or sections concerned, together with any required notice, have been mailed to the same newspapers and, in accordance with assembly regulations, to additional newspapers of general circulation in the borough;

(3) copies of the ordinance or sections concerned, together with any required notice, have been posted conspicuously for public inspection at the borough seat and at other cities in the borough. (§ 4.10 ch 146 SLA 1961)

Borough ordinances may only be passed by the borough assembly. 1962 Op. Atty. Gen., No. 9.

And not by borough board of health.—Where a proposed incorporation petition provided that public health services should be administered not by the borough assembly but by a board of health which was to be appointed by the borough assembly, but otherwise to operate autonomously in making rules and regulations with the force of law, such rules and regulations would be illegal

ordinances since they would be promulgated by the board of health rather than by the borough assembly. 1962 Op. Atty. Gen., No. 9.

Which should be an advisory board.—A borough assembly may set up a board of health as an advisory board and be substantially guided by such a board of health in its exercise of the public health power, as long as the borough assembly is the body finally expressing the public health power. 1962 Op. Atty. Gen., No. 9.

Sec. 07.20.110. Emergency ordinances. (a) To meet a public emergency affecting life, health, welfare, or property, the assembly may adopt emergency ordinances; but emergency ordinances may not be used to levy taxes, to grant, renew or extend a franchise, or to regulate the rate charged by any public utility for its services.

(b) Every emergency ordinance shall be plainly designated as such and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. Except as thus indicated, it shall be introduced in the form and manner prescribed for ordinances generally. An emergency ordinance may be considered and may be

adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of all assembly members present, or the affirmative vote of three-fourths of those elected, is required for adoption of the ordinance. After adoption of an emergency ordinance, the assembly shall cause it to be printed and published as prescribed for other adopted ordinances. An emergency ordinance is effective upon adoption.

(c) Every emergency ordinance, including any amendment made after its adoption, is invalid after the 61st day following the date on which it was adopted. (§ 4.11 ch 146 SLA 1961)

Sec. 07.20.120. Codes of technical regulations. The assembly may adopt any standard published code of technical regulations in a single ordinance which shall be governed, except as otherwise provided in this section, by the procedure and requirements prescribed for ordinances generally. Upon introduction of the ordinance, the assembly promptly shall cause at least five copies to be made available for public inspection and shall cause to be published, by means indicated in § 100 (c) of this chapter, and together with the notice of hearing, a notice setting out the purpose of the ordinance and the time and place at which it is available for public inspection. No other publication is necessary before adoption, unless after the hearing the ordinance is amended as to its substance. If it is so amended, and also in the event of any later amendment before adoption, the amended sections shall be made available for inspection and notice published as earlier provided, and the ordinance as amended shall be subjected to hearing and to all other procedure as though newly introduced. Neither the ordinance nor any of its amendments need be distributed to the public or read in full at the hearings thereon. Publication after adoption shall be by notice declaring such adoption as published. The adopted code shall be sold to the public in such form and at such reasonable price as the assembly may direct. (§ 4.12 ch 146 SLA 1961)

Sec. 07.20.130. Budget. The assembly shall establish the dates of the borough fiscal year and the manner for the preparation and submission of the budget and capital program by the chairman. The assembly shall hold a hearing on the proposed budget and capital program. After public hearing, the assembly may adopt, with or without amendment, the annual budget as proposed by the chairman. The assembly may make supplemental and emergency appropriations. No payment may be authorized or made and no obligation incurred against the borough except in accordance with appropriations duly made. Nothing contained in this section or other sections of this title is intended to prevent the authorizing of payment or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds; nor is it in-

tended to prevent the making, when permitted by law, of any contract or any lease providing for the payment of funds at a time beyond the end of the fiscal year in which the contract or lease is made. But any contract, lease or other obligation requiring the payment of funds from the appropriations of a later fiscal year or of more than one fiscal year shall be made or approved by ordinance. (§ 4.13 ch 146 SLA 1961)

Sec. 07.20.140. Centralized purchasing. The assembly may provide for centralized purchasing, storage, and distribution of any supplies, material, and equipment for the borough and for its departments; provided, however, school boards within the borough may determine their own separate policy for the purchase of supplies and equipment. (§ 4.14 ch 146 SLA 1961)

Sec. 07.20.150. Post audit. The assembly shall provide for an annual independent audit of the accounts and other evidences of financial transactions of the borough and of every borough department. The audit shall be made by an accountant, designated by the assembly, who has no personal interest, direct or indirect, in the fiscal affairs of the borough or of any of its departments. The designated accountant shall be a certified public accountant. (§ 4.15 ch 146 SLA 1961)

Sec. 07.20.160. Codification. (a) Each ordinance and resolution after adoption shall be given a serial number and, together with the date of adoption and the designation of the adopting authority, shall be entered by the clerk of the assembly in a properly indexed book kept for that purpose.

(b) Within three years after incorporation under this title, the chairman, with the advice and assistance of a legal advisor, shall cause to be prepared a general codification of all borough ordinances and resolutions having the force and effect of law. The borough code shall be revised and published at least every five years.

(c) The assembly, with the advice and assistance of a legal advisor, shall cause each ordinance and resolution having the force and effect of law to be printed as promptly as possible following its adoption. The printed ordinances and resolutions shall be sold to the public at reasonable prices to be fixed by the assembly. (§ 4.16 ch 146 SLA 1961)

Chapter 25. Borough Executive.

Section

- 10. Executive power
- 20. Borough manager
- 30. Powers and duties of borough chairman
- 40. Functions under direction and supervision of borough chairman

Section

- 50. General provisions
- 60. Bonding of officers
- 70. Personal financial interest
- 80. Right to participate in assembly meetings
- 90. Prohibitions
- 100. Borough personnel system

Sec. 07.25.010. Executive power. The executive power of the organized borough is vested in the borough chairman who is elected at large. He must be a qualified voter of the organized borough. His term of office is the same as that of the mayor in the largest first class city in the borough or three years if there is no first class city in the borough. The term of office begins on the same day as that of the mayor in the largest first class city in the borough or on the first Monday following his election if there is no first class city in the borough. The assembly may provide a different term by ordinance. (§ 5.01 ch 146 SLA 1961)

Sec. 07.25.020. Borough manager. In addition to the adoption of the borough manager plan at the time of incorporation, an organized borough may adopt and abandon a borough manager plan in the same manner as is provided for the first class cities. The borough chairman may not veto an ordinance or resolution calling for an election on the question of adopting a manager plan. The manager serves at the pleasure of the assembly and has all the powers and duties of the borough chairman provided for by this title except that he may not introduce ordinances and has no veto power. There shall be no elected borough chairman if the borough manager plan is adopted. (§ 5.02 ch 146 SLA 1961)

Cross reference. — As to adoption in first class cities, see AS 29.35.020 or abandonment of city manager plan —29.35.060.

Sec. 07.25.030. Powers and duties of borough chairman. (a) The borough chairman is the chief administrative officer of the borough. He is responsible for the proper administration of all borough affairs placed in his charge under this title. The chairman shall

(1) except as otherwise provided by this title, appoint all borough employees and administrative officers and, when he deems it necessary for the good of the service, suspend or remove any borough employee, subject to review by the borough assembly, and any borough administrative officer, but he may authorize any appointive borough administrative officer to appoint, suspend, or remove subordinates in that officer's department;

(2) see that all ordinances, resolutions, and orders of the assembly and all laws of the state subject to enforcement by him, or by officers who are subject under this title to his direction and supervision, are faithfully executed;

(3) prepare and submit the annual budget and capital program to the assembly and execute the budget and capital program in accordance with appropriations and ordinances adopted by the assembly;

(4) examine regularly the accounts, records, and operation of every borough department; make regular monthly reports to the

assembly on borough affairs, keep the assembly fully advised on the financial condition and future needs of the borough, and make such recommendations on borough affairs as he deems desirable;

(5) submit to the assembly at the end of the fiscal year a complete report on the finances and administrative activities of the borough for the preceding year and prepare and make available for distribution to the public, within three months after the end of each fiscal year, an annual report on borough affairs during that fiscal year;

(6) if the assembly provides for a personnel system, serve as the personnel officer of the borough and administer the borough personnel system, unless the assembly authorizes him to appoint a personnel officer to administer the system;

(7) carry into execution such other powers or duties as are required by this title or as may be prescribed by the assembly; and

(8) hire such administrative assistants as he deems necessary to help him in the administration of borough affairs.

(b) The assembly presiding officer or his designee from the assembly shall exercise the powers and perform the duties of chairman during the chairman's temporary absence or disability. If a manager plan has been adopted, the assembly shall designate by resolution a qualified borough administrative officer or employee to perform the duties of the manager during his temporary absence or disability or during a vacancy in the office of manager. (§ 5.03 ch 146 SLA 1961)

Sec. 07.25.040. Functions under direction and supervision of borough chairman. The borough chairman shall direct and supervise the administration of the following functions:

(1) the functions of all borough officers and employees except as provided otherwise under this title;

(2) the care and custody of all borough buildings and of all real and personal property of the borough;

(3) the construction, maintenance, and operation of borough roads, bridges, drains, buildings, and other public works. (§ 5.04 ch 146 SLA 1961)

Sec. 07.25.050. General provisions. (a) The activities under the direction and supervision of the borough chairman shall be distributed among such departments as are provided for by this title or may be established by ordinance of the assembly.

(b) Each department shall be administered by an officer appointed by and subject under this title to the direction and supervision of the chairman unless provided otherwise by or under this title. With the consent of the assembly, the chairman may serve as the head of one or more departments; and with assembly con-

sent, he may appoint one person as the head of two or more departments.

(c) Any borough administrative officer appointed by the chairman may be suspended or removed by written order of the chairman. (§ 5.05 ch 146 SLA 1961)

Sec. 07.25.060. Bonding of officers. The borough chairman and such other borough officers or employees as the assembly may provide shall give reasonable bond in the amount and with the surety prescribed by the assembly. The premiums on such bonds shall be paid by the borough. (§ 5.06 ch 146 SLA 1961)

Sec. 07.25.070. Personal financial interest. Any borough officer or employee who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation, in any contract with the borough or in the sale of any land, material, supplies or services to the borough or to a contractor supplying the borough, shall make known that interest. Any borough officer or employee who wilfully conceals such a financial interest or wilfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the borough renders the contract voidable by the assembly. (§ 5.07 ch 146 SLA 1961)

Sec. 07.25.080. Right to participate in assembly meetings. The borough chairman shall have the right to take part in the discussion of all matters coming before the assembly, but may not vote. He may veto any ordinance or resolution of the assembly, but his veto may be overridden by two-thirds of all the votes to which the assembly is entitled on the question. (§ 5.08 ch 146 SLA 1961; am § 15 ch 110 SLA 1962)

Sec. 07.25.090. Prohibitions. (a) No person may be appointed to or removed from, or in anyway favored or discriminated against with respect to any borough position or borough administrative office because of his race or his political or religious opinions or affiliations.

(b) No person who seeks appointment or promotion with respect to any borough position or borough administrative office may directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion, or proposed promotion.

(c) Any person who wilfully violates any of the provisions of (b) of this section is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$1,000 or by imprison-

ment for not more than one year, or both, and in addition thereto shall be ineligible, for a period of five years thereafter, to hold any borough office or position and, if an officer or employee of the borough, shall immediately forfeit the office or position he holds. (§ 5.09 ch 146 SLA 1961)

Sec. 07.25.100. Borough personnel system. All appointments and promotions of borough officers and employees shall be made on the basis of merit and fitness, and the assembly may provide for a personnel system. (§ 5.10 ch 146 SLA 1961)

Chapter 30. Elections.

Section	Section
10. Qualification of voters	70. Filling vacancies
20. Regular election	80. Initiative, referendum, and recall
30. Special election	90. Majority elections
40. Administration of election	100. Borough sections
50. Nominations	110. Borough zones
60. Creating and declaring vacancies in office	

Sec. 07.30.010. Qualification of voters. (a) Any person who is a qualified voter in Alaska and is a resident of an organized borough is a qualified voter of that organized borough.

(b) Only qualified voters whose names appear on the last tax assessment roll or record of such borough for purposes of borough taxation on real property may vote on a question of incurring bonded indebtedness by a borough. If the debt to be incurred is to be an areawide debt, the vote shall be areawide. If the debt to be incurred is to be limited to the area outside cities only, the vote shall be limited to the qualified voters whose names appear on the last tax assessment roll or record of such borough for purpose of borough taxation on real property located in the area outside cities. (§ 6.01 ch 146 SLA 1961)

Sec. 07.30.020. Regular election. (a) The date of the regular election for chairman is the same as that for mayor in the largest first class city within the borough or on the first Tuesday of October every three years if there is no first class city within the borough.

(b) The date of the regular election for the assembly is the same as that for the council in the largest first class city within the borough or on the first Tuesday of October every three years if there is no first class city within the borough.

(c) The date of the regular election for the school board is the same as that for the council in the largest first class city within the borough or annually on the first Tuesday of October if there is no first class city within the borough.

(d) The assembly may provide for different dates of election by ordinance. (§ 6.02 ch 146 SLA 1961)

Sec. 07.30.030. Special election. The assembly may call a special election at any time upon 30 days' prior notice, which notice shall be made substantially in the manner prescribed by the Alaska Election Code (AS 15.05—15.60). (§ 6.03 ch 146 SLA 1961)

Sec. 07.30.040. Administration of election. The assembly shall prescribe the general rules for the conduct of the borough election. All borough elections shall be nonpartisan elections. (§ 6.04 ch 146 SLA 1961)

Sec. 07.30.050. Nominations. Candidates for assemblymen from outside cities are nominated by petition of 50 qualified voters of the organized borough who are resident outside any city. Candidates for borough chairman and for the borough school board are nominated by petition of 50 qualified voters of the organized borough. (§ 6.05 ch 146 SLA 1961)

Sec. 07.30.060. Creating and declaring vacancies in office. The office of assemblyman and borough chairman is vacated under the following conditions and upon the declaration of vacancy by the assembly. The assembly shall declare an elective office vacant whenever

(1) the person elected to it fails to qualify or fails to take office within 30 days after his selection by a city council or his election;

(2) the officeholder departs from the organized borough with the intent of remaining away for a period of 90 or more days or resides outside the area from which he was elected for a period of 90 or more days, unless excused by the assembly;

(3) the officeholder submits his resignation to the assembly and the assembly accepts it;

(4) the officeholder is physically unable to attend assembly meetings and will continue to be physically unable to attend assembly meetings for a period of 180 or more consecutive days;

(5) the officeholder has been removed from office;

(6) the officeholder misses three or more consecutive regular meetings, unless excused by the assembly. (§ 6.06 ch 146 SLA 1961)

Sec. 07.30.070. Filling vacancies. Vacancies are filled as follows.

(1) A vacancy in the office of chairman shall be filled by and from the assembly which shall elect one of its members to be acting chairman until the next regular election and until a successor is elected and qualified to fill the remainder of the unexpired term. The assemblyman elected to act as chairman shall receive the same salary as that paid to the chairman.

(2) A vacancy in the city council representation on the assembly shall be filled by the city council by selecting one of its members

to fill the unexpired term. The councilman selected serves until his successor is selected and qualified. He receives the same salary as the assemblyman he succeeds.

(3) A vacancy in the representation for the area outside a first class city shall be filled by the assembly which shall elect a qualified voter resident within the organized borough outside a first class city to be acting assemblyman until the next regular election and until a successor is elected and qualified to fill the remainder of the unexpired term. The person elected by the assembly receives the same salary as the assemblyman he succeeds. (§ 6.07 ch 146 SLA 1961)

Sec. 07.30.080. Initiative, referendum, and recall. (a) The powers of initiative and referendum reserved by the state constitution to the people of the state are also reserved to the people of the organized borough as provided by AS 29.65.010—29.65.060.

(b) Any elected public official of the organized borough may be recalled as provided by AS 29.65.070—29.65.340. (§ 6.08 ch 146 SLA 1961)

Sec. 07.30.090. Majority elections. The assembly may, by ordinance, require a majority vote for election of the chairman and the assembly. A runoff election or other means of obtaining a majority may be used. (§ 6.09 ch 146 SLA 1961)

Sec. 07.30.100. Borough sections. The borough assembly may establish, alter, or abolish sections for the election of assemblymen in order to provide representation to separate and distinct areas within the borough. If the assembly establishes sections, members representing the area outside first class cities shall be elected from the sections in which they reside. Qualified voters resident outside first class cities may vote upon the candidacy of all the candidates, but candidates from each section run only against other candidates from the same section. The number of sections shall equal the number of assemblymen representing the area outside the first class city. No section may have a population which is less than one-half that of any other section. (§ 6.10 ch 146 SLA 1961; am § 16 ch 110 SLA 1962)

Sec. 07.30.110. Borough zones. The borough assembly may establish, alter, or abolish zones for the election of school board members in order to provide representation to separate and distinct areas within the borough. If the assembly establishes zones, school board members shall be elected from the zones in which they reside. Qualified voters may vote upon the candidacy of all the candidates, but candidates from each zone run only against other candidates from the same zone. The number of zones shall equal the number of school board members. No zone may have a population

which is less than one-half that of any other zone. (§ 6.11 ch 146 SLA 1961; added by § 17 ch 110 SLA 1962)

Chapter 35. Classification, Reclassification, Merger, Consolidation, and Dissolution.

Article

- 1. Classification and Reclassification (§§ 07.35.010—07.35.020)
- 2. Merger and Consolidation (§§ 07.35.110—07.35.210)
- 3. Dissolution (§§ 07.35.410—07.35.520)

Article 1. Classification and Reclassification.

Section

10. Classification

Section

20. Reclassification

Sec. 07.35.010. Classification. Organized boroughs incorporated under this title are either first class or second class boroughs. The first class borough is a general law borough and the second class borough is an optional law borough. Original classification is determined by the petition for incorporation approved by the voters for incorporation. The unorganized borough established by this title is unclassified. Unless clearly not applicable, the terms “borough” and “organized borough,” as used in this title mean both a first class or second class organized borough. (§ 7.01 ch 146 SLA 1961)

Sec. 07.35.020. Reclassification. (a) A first class borough may adopt or repeal a home rule charter in the manner prescribed by AS 29.40.010—29.40.090, except that members of the charter commission shall be the same in number and the commission shall be apportioned the same as the borough assembly.

(b) A second class borough may reclassify as a first class borough in the same manner provided by this title for the addition of powers by a second class borough. Instead of specifying powers to be added, the petition shall request that the borough be reclassified as a first class borough. Voting on reclassification as a first class borough is limited to the qualified voters residing outside cities within the boroughs. (§ 7.02 ch 146 SLA 1961)

Article 2. Merger and Consolidation.

Section

- 110. Who may petition
- 120. Form of petition
- 130. Review by Local Affairs Agency
- 140. Return of petition
- 150. Investigation
- 160. Report to Local Boundary Commission

Section

- 170. Hearing by Local Boundary Commission
- 180. Determination by Local Boundary Commission
- 190. Election
- 200. Assets and liabilities of merged or consolidated boroughs
- 210. Ordinances

Sec. 07.35.110. Who may petition. A petition for the merger or consolidation of two or more organized boroughs may be filed with

the Local Affairs Agency if signed by qualified voters who are residents of each of the organized boroughs and are equal in number from each borough to at least 25 per cent of the qualified voters who voted in the last regular borough election. (§ 7.11 ch 146 SLA 1961)

Sec. 07.35.120. Form of petition. The petition shall be in the form prescribed by the Local Affairs Agency and shall include, but is not limited to, the following information:

- (1) the name and classification of each borough;
- (2) the name and borough seat of the new borough;
- (3) the proposed apportionment of the assembly;
- (4) the classification of the proposed borough;
- (5) maps, documents, and other information which will tend to show that the newly organized borough to be incorporated as a result of the proposed merger or consolidation meets the standards for incorporation. (§ 7.12 ch 146 SLA 1961)

Sec. 07.35.130. Review by Local Affairs Agency. Upon receipt of a petition for the merger or consolidation, the Local Affairs Agency shall immediately proceed with a review of the petition to determine if (1) the petition is substantially in the proper form, (2) the petition is signed by the required number of qualified voters, (3) the proposed apportionment meets the standard prescribed by law for the apportionment of the borough assembly, and (4) the area of the proposed borough meets the standards prescribed by law for the incorporation of organized boroughs. (§ 7.13 ch 146 SLA 1961)

Sec. 07.35.140. Return of petition. If the Local Affairs Agency determines that the petition is not substantially in the proper form or lacks the minimum number of qualified voters signing the petition, the agency shall return the petition for correction or completion. (§ 7.14 ch 146 SLA 1961)

Sec. 07.35.150. Investigation. If the Local Affairs Agency determines that the petition is substantially in the proper form and contains the required number of qualified voters signing the petition, the agency shall conduct an investigation as to whether apportionment of the borough assembly and the proposed organized borough meets the standards prescribed by this title. In investigating the proposed apportionment of the borough assembly, the agency shall use the latest figures of the United States Bureau of the Census. However, if the latest figures are considered inadequate by the agency because of population changes or limitation in the figures available, the agency may use any method necessary to most accurately determine actual population. (§ 7.15 ch 146 SLA 1961)

Sec. 07.35.160. Report to Local Boundary Commission. The Local Affairs Agency shall report the findings of its investigation to the Local Boundary Commission together with any recommendations it may have regarding the apportionment of the assembly and the merger or consolidation of the organized boroughs. (§ 7.16 ch 146 SLA 1961)

Sec. 07.35.170. Hearing by Local Boundary Commission. Upon receipt of the report from the Local Affairs Agency, the Local Boundary Commission shall hold a hearing in each organized borough included in the petition for the purpose of hearing public comment on the proposal for the apportionment of the borough assembly and the merger or consolidation of the organized borough. (§ 7.17 ch 146 SLA 1961)

Sec. 07.35.180. Determination by Local Boundary Commission. After considering the findings of the Local Affairs Agency and the comments at the public hearing, the Local Boundary Commission shall determine if the petition is to be granted. If the commission determines that the proposed merger or consolidation fails to meet the standards prescribed by this title, the commission shall reject the petition. If the commission determines that the proposed merger or consolidation meets the standards prescribed by this title, the commission shall accept the petition. If the Local Boundary Commission determines that the proposed merger or consolidation would meet the standards prescribed by this title if changes were made in the apportionment of the borough assembly, the commission may change the apportionment of the assembly and accept the petition. (§ 7.18 ch 146 SLA 1961)

Sec. 07.35.190. Election. The election on the proposed merger or consolidation shall be held in accordance with the provisions of AS 07.10.120(a)—(h). (§ 7.19 ch 146 SLA 1961)

Sec. 07.35.200. Assets and liabilities of merged or consolidated boroughs. When two or more boroughs merge or consolidate, a newly organized borough is incorporated. The newly organized borough succeeds to the rights, claims, assets, property, liens, debts, franchises and other contractual obligations, and other liabilities, including but not limited to bonded and all other indebtedness, of the merged or consolidated boroughs. (§ 7.20 ch 146 SLA 1961)

Sec. 07.35.210. Ordinances. The ordinances of the former boroughs remain in force within their respective territories until the governing body of the newly incorporated borough enacts a code of ordinances for the government of the newly incorporated borough. The ordinances by the governing body of the newly organized borough supersede the ordinances of the former boroughs on the subject of the enactments. (§ 7.21 ch 146 SLA 1961)

Article 3. Dissolution.

Section	Section
410. Who may petition	480. Hearing by Local Boundary Commission
420. Form of petition	490. Determination by Local Boundary Commission
430. Standards for dissolution	500. Election
440. Review by Local Affairs Agency	510. Immediate dissolution
450. Return of petition	520. Succession
460. Investigation	
470. Report to Local Boundary Commission	

Sec. 07.35.410. Who may petition. A petition for the dissolution of an organized borough may be filed with the Local Affairs Agency if signed by qualified voters who are residents of the organized borough and are equal in number to at least 25 per cent of the number of qualified voters who voted in the last regular borough election. (§ 7.41 ch 146 SLA 1961)

Sec. 07.35.420. Form of petition. The petition shall be in the form prescribed by the Local Affairs Agency and shall include, but is not limited to, the following information:

- (1) the name of the borough;
- (2) maps, documents, and other information which will tend to show that the organized borough meets the standards for dissolution prescribed in § 430 of this chapter. (§ 7.42 ch 146 SLA 1961)

Sec. 07.35.430. Standards for dissolution. A borough may dissolve when (1) it is free of debt, or if in debt, each of its creditors is satisfied with a method of repayment, and (2) either it no longer meets the minimum standards prescribed for incorporation by this title or it ceases to use each and every one of its powers. (§ 7.43 ch 146 SLA 1961; am § 18 ch 110 SLA 1962)

Sec. 07.35.440. Review by Local Affairs Agency. Upon receipt of a petition for the dissolution of an organized borough, the Local Affairs Agency shall immediately proceed with a review of the petition to determine if (1) the petition is substantially in the proper form, (2) the petition is signed by the required number of qualified voters, and (3) the area of the proposed borough meets the standards prescribed by law for the dissolution of organized boroughs. (§ 7.44 ch 146 SLA 1961)

Sec. 07.35.450. Return of petition. If the Local Affairs Agency determines that the petition is not substantially in the proper form or lacks the minimum number of qualified voters signing the petition, the agency shall return the petition for correction or completion. (§ 7.45 ch 146 SLA 1961)

Sec. 07.35.460. Investigation. If the Local Affairs Agency determines that the petition is substantially in the proper form and

contains the required number of qualified voters signing the petition, the agency shall conduct an investigation as to whether the organized borough may dissolve under the standards prescribed by this title. (§ 7.46 ch 146 SLA 1961)

Sec. 07.35.470. Report to Local Boundary Commission. The Local Affairs Agency shall report the findings of its investigation to the Local Boundary Commission, together with any recommendations it may have regarding the dissolution of the organized borough. (§ 7.47 ch 146 SLA 1961)

Sec. 07.35.480. Hearing by Local Boundary Commission. Upon receipt of the report from the Local Affairs Agency, the Local Boundary Commission shall hold a hearing in the organized borough for the purpose of hearing public comment on the proposal for the dissolution of the organized borough. (§ 7.48 ch 146 SLA 1961)

Sec. 07.35.490. Determination by Local Boundary Commission. After considering the findings of the Local Affairs Agency and the comments at the public hearing, the Local Boundary Commission shall determine if the petition is to be granted. If the commission determines that the organized borough fails to meet the standards for dissolution prescribed by this title, the commission shall refuse the petition. If the commission determines that the organized borough meets the standards prescribed by this title, the commission shall accept the petition. (§ 7.49 ch 146 SLA 1961)

Sec. 07.35.500. Election. (a) Date of election. If the Local Boundary Commission accepts the petition, it shall immediately notify the secretary of state of its action and shall furnish him with such information on the dissolution as he requires. Within 30 days of the receipt of his notification, the secretary of state shall issue an order that an election be held within the organized borough to determine the question of whether the people of the proposed organized borough desire to dissolve. The date of the election specified by the secretary of state in the order shall be not less than 30 nor more than 90 days after the date of the order of election.

(b) Qualification of voters. Any person who is a qualified voter in Alaska and is a resident in the organized borough is qualified to vote in the election.

(c) Administration of election. The secretary of state shall supervise the administration of the election in the general manner as prescribed by the Alaska Election Code (AS 15.05—15.60) including, but not limited to, the establishment of precinct boundaries and polling places, appointment of election officials, preparation of ballots and other election materials and supplies, the giving of public notice, certifying of election expenses, the count, canvass

and certification of returns, and the establishment of procedures for voting absentee, the use of voting machines, and election recounts.

(d) Certification. If the majority of votes cast on the question are not for dissolution, the secretary of state shall so certify and the proposal is defeated. If the majority of votes cast on the question are for dissolution, the secretary of state shall so certify and the certification shall declare that the area in which the election was held is dissolved as an organized borough and municipal corporation. (§ 7.50 ch 146 SLA 1961)

Sec. 07.35.510. Immediate dissolution. A borough is dissolved whenever its entire territory becomes included within a city or cities. (§ 7.51 ch 146 SLA 1961)

Sec. 07.35.520. Succession. Upon dissolution, all property and debts owing to the borough become the property of the governments succeeding it. (§ 7.52 ch 146 SLA 1961)

Chapter 40. General Provisions.

Section

10. Adopted laws

Sec. 07.40.010. Adopted laws. Statutes and general laws adopted by reference by this title are adopted as they now exist and as they may be amended hereafter. (§ 8.01 ch 146 SLA 1961)