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XII/L

( COPY OF 26<sup>TH</sup>-31<sup>ST</sup>  
MEETINGS HAVE BEEN  
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COMMITTEE ON LOCAL GOVERNMENT

Summary of Minutes After Hearing Recess

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COUNCIL FILE IN BOX  
107 (ALSO NOT ON  
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32nd Meeting -- January 4, 1956. All members present. The Committee decided to withdraw the Proposal for further consideration by members. A condensation of the proposal as prepared by Del. McLaughlin was reviewed. All delegates were to be requested to submit their comments to the the committee. (11:30 am -- 12:30 pm)

33rd Meeting -- 8 pm to 10 pm) -- January 4. The recommitted proposal was reviewed. Points brought out at various hearings were discussed. Questions had been raised about representation on the assembly, representation for service areas and the name borough... It was agreed that the commentary needed expanding and should include a statement of the purposes the committee was trying to achieve... Proposal should state that boroughs could be unorganized... Jurisdiction needed greater definition... Discussed whether boundary and advisory agencies should be combined. It was deemed better to establish them separately, and they could be combined if legislature decided that would result in better operation. Their functions, however, do differ substantially: one is dealing with political matters, is temporary, should have public representation; the other is a staff agency.... Emphasis was again placed upon the desirability of combining city and borough functions...

34th Meeting -- January 8 -- 2 to 4 pm. Committee reviewed letters of criticism. One letter was received from Robert N. Druxman of Juneau. Another was from Commissioner of Education Don Dafoe. The discussion also brought out the relationship of school districts to the borough and their subservient fiscal position.

35th Meeting -- January 10 -- 6:30-7 pm. The committee reviewed a series of complaints from REA coops about their possible subjugation by boroughs and about possible borough control by cities. It was agreed that the problems of the coops were not related to local government, that they operate utility businesses and that their problems should be resolved by a state regulatory board.

36th Meeting -- January 11 -- 6:15-7 pm. Mr. John Debout, convention consultant met with committee. He generally expressed approval of committee principles, stating "the proposal would prevent a jungle of local governments." He suggested possibility of a delegation of taxing authority by assembly to service areas.

37th Meeting -- January 13 -- 9:35-10 pm. Minutes of remainder of December meetings approved as corrected. Procedure for revision of local government article reviewed.

38th Meeting -- January 15 -- 1-4:30pm. A redraft of the committee proposal was reviewed. Changes were incorporated in sections on assembly and service areas. Status of school districts was to be covered in commentary.

39th Meeting -- January 17 -- 12:40-1:30. Further review was made of revisions of the local government article.

40th Meeting -- January 17 -- 5:40-6:30 pm. Mr John S. Holm of the Golden Valley Electric Association met with the committee and brought up points previously raised by REA coops. It was pointed out to him that the article was designed for local government needs and that utility regulation was a separate matter for legislative action. Communications from Vincent Ostrom and the Matanuska Valley Electrical Association were also discussed.

41st Meeting -- January 17 -- 10:15pm to 12m.

42nd Meeting -- January 18 -- 9-10 am.

43rd Meeting -- January 18 -- 1-1:30 pm.

44th Meeting -- January 18 -- 5:20-6:30pm.

The committee reviewed various redrafts of local government article and approved final version.

Additional brief meetings were held by the committee during the second reading of the local government article to consider committee and delegate amendments.



Secretary

Constitutional Convention  
XII/Local Government/1  
November 15, 1955

COMMITTEE ON LOCAL GOVERNMENT

Minutes - 1st Meeting

1. Meeting called to order by Chairman Rosswog. Members present: Cross, Doogan, V. Fischer, Lee, Londborg and V. Rivers.
2. The Committee agreed that the vice chairman be elected and the secretary be appointed by the chairman.
3. The chairman opened the meeting to nominations for vice chairman. V. Rivers and Londborg were nominated. Rivers declined due to chairmanship of another committee. Londborg was unanimously elected vice chairman.
4. The chairman appointed V. Fischer as secretary of the Committee.
5. There was general discussion regarding the establishment of a work schedule. The chairman, vice chairman and secretary were instructed to prepare a program for Committee work.
6. It was unanimously agreed that at the next meeting the staff report on local government would be read and discussed section by section. There was further consideration of the preparation of a core proposal which would constitute the basis for Committee review and revision and would lead to the preparation of the final committee proposal on local government.
7. Consideration was also given to the inter-relationship of this Committee with the work being undertaken by other committees.
8. There was some discussion about the scope of the Committee assignment. It was agreed that generally the responsibility covered everything below the level of state government. Attention was also given to the need of making local government work in the larger cities as well as the smallest villages.

9. There was some discussion regarding the form of local government in other northern countries particularly Scandanavia. It was decided to refer this matter to the staff for a report upon Scandanavian local government.

10. It was generally agreed that consultants would be valuable in bringing information to the Committee on what has been accomplished elsewhere. The chairman and secretary were unanimously instructed to investigate the availability of consultants to the Committee.

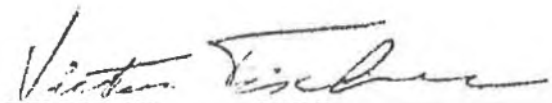
11. Meetings of the Committee on Local Government are to be public, according to an agreement among the members. At such time as the Committee began to formulate actual proposals or unforeseen difficulties arose, meetings might be closed.

12. It was unanimously agreed that the chairman be empowered to make public releases, subject to Committee approval. This would not preclude the expression of individual opinions.

13. Daily minutes are to be kept by the secretary, to be read and approved by the Committee. Summary reports of Committee progress are to be prepared on the basis of the minutes.

14. There was general agreement upon the need for additional meeting time due to the large amount of work before the Committee. The subject is to be resolved in the future.

15. The Committee adjourned at 4:20 p.m. to reconvene at 3:30 on Wednesday, November 16.

  
Secretary

Constitutional Convention  
XII/Local Government/2  
November 16, 1955

COMMITTEE ON LOCAL GOVERNMENT

Agenda for Meeting

On Wednesday, November 16, 3:30 P.M., Committee Room

1. Roll Call
2. Minutes of Meeting of November 15
3. Unfinished Business
  - a. Consulting Services (Secretary Stewart)
  - b. Proposed Work Program
4. New Business
  - a. Review of PAS. and staff paper on Local Government
  - b. Other new business

Constitutional Convention  
XII/Local Government/3  
November 16, 1955

**COMMITTEE ON LOCAL GOVERNMENT**

**General Work Program/1**

1. Review of PAS staff paper.
2. Review of local government needs in Alaska.
3. Classification of state or local functions.
4. Applicability of traditional forms of local government to Alaska.
5. Applicability of model provisions on local government.
6. Review of other proposals to meet Alaska's needs.
7. Preparation of Committee proposal.
8. Study of transitional provisions in local government.

Constitutional Convention  
XII/Local Government/4  
November 17, 1955

COMMITTEE ON LOCAL GOVERNMENT

Agenda for Meeting

Of Thursday, November 17, 3:30 P.M., Committee Room

1. Roll Call
2. Minutes of Meeting of November 16
3. Unfinished Business
  - a. Proposed Work Program
  - b. Review of PAS. and staff paper on Local Government
4. New Business

Constitutional Convention  
XII/Local Government/5  
November 16, 1955

COMMITTEE ON LOCAL GOVERNMENT

Minutes - 2nd Meeting

1. Meeting called to order by Chairman Rosswog at 3:30 p.m. Members present: Cross, Doogan, V. Fischer, Lee, Londborg, and V. Rivers. Also present were Secretary Tom Stewart and Mr. Emil Sady.
2. The minutes of the Committee meeting of November 15 were approved as read.
3. The form of the agenda for the meeting of November 16 was adopted as the basic form of agenda for future meetings.
4. The committee and Mr. Stewart discussed the availability of consultants. Stewart gave the background on the procedure by which the list of consultants was established. He particularly outlined the qualifications of Mr. Weldon Cooper, whose main specialty is local government.
5. Stewart also informed the Committee that George Rogers of the Governor's office has prepared an outline of characteristics and features of Alaska, broken down by economic, social, geographic and other factors. Mr. Rogers has already been requested to come to College.
6. Committee members discussed the relationship of consultants to the work program. It was the general feeling that Mr. Rogers and Jack McKay would be of value to the Committee during the next two weeks and that Mr. Cooper's services would be of greatest use after December 1.

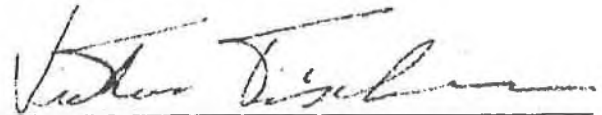


7. The Committee unanimously instructed the chairman to arrange with the President to have the services of Mr. Weldon Cooper available as a committee consultant for two weeks, beginning around December 1.

8. The approval of the proposed work program was deferred until a future meeting.

9. The committee began its review of the Public Administration Service staff paper on local government. Individual sections of the report were read aloud by members and were discussed by the committee. Topics covered included a general review of local government and the American and Canadian systems.

10. Meeting adjourned 4:50 p.m., to reconvene at 3:30 p.m. Thursday, November 17.



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Victor Fischer, Secretary

COMMITTEE ON LOCAL GOVERNMENT

Minutes - 3rd Meeting

1. Meeting called to order by Chairman Rosswog at 3:30 P. M.  
Members present: Cross, Doogan, Lee, Lomborg and V. Rivers.  
Members absent: V. Fischer.
  2. In the absence of V. Fischer, who was ill, Doogan acted as secretary.
  3. The minutes of the Committee Meeting of November 16, 1955 were approved as read.
  4. The Chairman reported that notice was given to President Egan of the request for the services of Mr. Weldon Cooper, as Committee Consultant.
  5. The Chairman also advised the committee that, at the meeting of all Chairmen, a discussion was held regarding committee participation on TV programs. Members of the committee agreed to cooperate with the proposed televising of meetings.
  6. The balance of the meeting was devoted to the continued reading and discussion of the Public Administration Service Report on Local Government.
  7. The Committee discussed the desirability of sending out notices of public hearing on Local Government to be held around December 1st. The matter was laid over for discussion at a subsequent meeting.
  8. President Egan visited the committee meeting. One non-delegate was present as a spectator.
  9. Meeting adjourned at 4:50 p.m. to reconvene at 3:30 p.m. on November 18th.
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Constitutional Convention  
XII/Local Government/8  
November 18, 1955

COMMITTEE ON LOCAL GOVERNMENT

Agenda for Meeting

On Friday, November 18, 3:30 P.M., Committee Room

1. Roll Call
2. Minutes of Meeting of November 17
3. Unfinished Business
  - a. Proposed Work Program
  - b. Notices of Public Hearings
  - c. Review of PAS staff paper on Local Government
4. New Business

Constitutional Convention  
III/Local Government/9  
November 18, 1955

COMMITTEE ON LOCAL GOVERNMENT

Minutes - 4th Meeting

1. Meeting called to order by Chairman Rosswog at 3:30 p.m.  
Members present: Cross, Hoogan, V. Fischer, Lee, Lundberg and  
V. Rivers. Also present: Delegate W. C. Smith; one visitor.
2. Minutes of the meeting of November 17 were approved as read.
3. The committee continued its reading and review of the  
P.A.C. report on local government. Subjects covered at this meeting  
were municipal home rule, county home rule and reorganization, and  
local government finance.
4. A communication covering ideas on local government  
structure in Alaska was received from Delegate W. C. Smith and  
was deferred for future consideration.
5. Meeting adjourned at 5 p.m. A special committee meeting  
is to be held on November 19 at 1 p.m. at Apartment No. 6, Alaskan  
Inn, Fairbanks.

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Secretary

Constitutional Convention  
III/Local Government/9  
November 18, 1955

COMMITTEE ON LOCAL GOVERNMENT

Minutes - 4th Meeting

1. Meeting called to order by Chairman Rossnug at 3:30 p.m. Members present: Cross, Doegen, V. Fischer, Lee, Lundborg and V. Rivers. Also present: Delegate W. G. Smith; one visitor.
2. Minutes of the meeting of November 17 were approved as read.
3. The committee continued its reading and review of the P.A.S. report on local government. Subjects covered at this meeting were municipal home rule, county home rule and reorganization, and local government finance.
4. A communication covering ideas on local government structure in Alaska was received from Delegate W. G. Smith and was deferred for future consideration.
5. Meeting adjourned at 5 p.m. A special committee meeting is to be held on November 19 at 1 p.m. at Apartment No. 6, Alaskan Inn, Fairbanks.

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Secretary

COMMITTEE ON LOCAL GOVERNMENT

Agenda for Meeting

On Monday, November 21, 3:30 P.M., Committee Room

1. Roll Call
2. Minutes of Meetings of November 18 and 19.
3. Unfinished Business
  - a. Proposed Work Program
  - b. Notices of Public Hearings
4. New Business
  - a. Study of local government in Finland.
  - b. Memo from Delegate Smith.

COMMITTEE ON LOCAL GOVERNMENT

MINUTES - 8th MEETING

1. Meeting called to order by Chairman Rosswog at 2:00 p.m. All members present.

2. The meeting was devoted primarily to discussing the applicability of traditional forms of local government to Alaska.

3. An analysis was made of the types of municipalities currently existing in Alaska and the functions that they carry out. The three classes of cities have the following qualifications for their incorporation: First Class -- minimum 400 inhabitants, no area limitation; Second Class -- minimum 50 inhabitants, no area limitation; Third Class -- minimum 5 inhabitants, maximum area 50 square miles.

4. Municipalities in the States perform generally the same functions as those in Alaska, although their designations may be different (e.g. towns or villages).

5. The history of towns or townships was also reviewed. They form a basic unit of local government in New England and constitute a rural subdivision in mid-western and southern states. It was the consensus of the members that the township has no place in the local government structure of Alaska.

6. The County is the traditional governmental and administrative subdivision below the state level. In its' discussion, the committee took cognizance of the fact that the major reasons for the ineffective operation of most counties have been limited jurisdiction, an over-abundance of constitutionally established elective officials, and their lack of true local governmental authority. Due to its inadequacy, the county has been squeezed between the state and municipal governments. In order to overcome the existing limitations, special districts have been formed throughout the states to carry out local services and they have given rise to a multiplicity of overlapping taxing jurisdiction. The committee also discussed trends towards city-county consolidation in the states.

7. It was felt that any form of local government for Alaska that may be similar to counties would need a broader scope, should have authority to perform all services and provide a maximum amount of self government.

8. Members agreed that the word "county" had a very definite connotation and meaning to many people. In order to preclude rigid thinking, it was deemed desirable to substitute a broader term in discussions of major units of local government and the name "rural municipalities" was decided upon. It was agreed that this term would not preclude the granting of a broad scope to such a unit, including the performing of municipal as well as rural functions.

9. Other topics considered by the committee included the amount of self government that should be granted to small communities, the amount of self government that should exist in communities within a rural municipality, the need for state assistance and grants to local governments, and the desirability of having local governments established on a voluntary ~~as against~~ a compulsory basis.

10. Meeting adjourned 3:30 p.m.

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*or*

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Secretary



Constitutional Convention  
XII/Local Government/16  
November 29, 1955

COMMITTEE ON LOCAL GOVERNMENT

Minutes - 10th Meeting

November 26, 1955

1. Meeting called to order by Chairman Rosswog at 11:00 A.M. Members present: Cross, Doogan, Fischer, Lee, and Londborg. Member absent: V. Rivers.
2. The meeting was devoted to a discussion of the procedure for the establishment of local government units.
3. Mr. George Rogers reviewed factors that the Committee could consider in the establishment of boundaries of local units. He discussed the maps included in the "Handbook on Alaska Regionalism" and the basis for the establishment of regions as shown in the report.
4. Basic regions could be established according to geographic, resource, social and economic considerations. Geographic regions are based upon divisions created by mountain ranges, and such regions may in turn be divided according to major river basins. The establishment of regions according to natural resources varies according to the resource being considered and is of primary interest for the determination of areas of common economic interest. Socio-economic regions are based upon factors having to do with human occupancy, economy, communications and transportation, population and similar considerations.
5. In discussing the best size for local government units, it was agreed that size may vary according to density of population, communications and other factors. The size of units will most likely vary between the major regions of Alaska.
6. There was also discussion regarding the boundaries of local government units and their relation to election district as may be created by the Committee on Suffrage, Elections and Legislative Apportionment. It was agreed that districting should be based upon the local units that may be established, these being the basic political entity. Should it be found necessary, a number of local units could be combined to form a single election district.
7. Meeting adjourned at 12:00 noon.
8. An informal Committee Meeting was held at 2:00 P.M. with the same members present. At that time maps were used in order to sub-divide Alaska into local government units for discussion purposes. Two approaches were used: one was based upon recording districts and the other upon major geographic regions, natural resource regions and socio-economic regions. The work done was only of a preliminary nature. This informal meeting adjourned at 4:00 P.M.

Minutes - 9th Meeting

November 25, 1955

1. Meeting called to order by Chairman Rosswog at 3:30 P.M.  
Members present: Cross, Doogan, Fischer, Lee, and Londborg. Member absent: V. Rivers.
2. The minutes of the meeting of November 23 were approved as read.
3. The Chairman presented a brief review of points previously agreed upon by the Committee. These included agreement that the present system of municipalities in Alaska be considered in a system of future local government, though they may be integrated with rural areas into a major unit; there should be no overlapping of taxing jurisdictions; that a definite separation be made between state and local functions, and joint functions and that this separation be determined by the state; that rural municipalities should receive committee consideration.
4. A series of 18 principles for the formation of local government units for Alaska were presented for Committee consideration. They covered those principles that would go into making a final decision upon types of local government to be provided for in the Constitution. The list is to be given further review during succeeding meetings as specific units are discussed.
5. The Committee discussed the need to start formulating geographic units for discussion purposes. This would enable members to be better able to apply the principles that had previously been discussed or that might come up in the future. The need for the tentative establishment of local government units was particularly apparent in the discussion of what the general sizes of units should be; it was felt that this could only be properly determined by the definition of units upon a map.
6. In preparation for the delineation of local units, members were instructed to study the "Handbook on Alaska Regionalism" prepared by George W. Rogers. He is to be invited to the next Committee meeting for a further explanation of the factors that might go into the establishment of local government boundaries.
7. It was agreed that the feasibility of establishing any units of rural government at this stage in the development of Alaska would be analyzed in connection with the further work upon the delineation of such units.
8. The Committee also discussed at length the evils created through the overlapping of taxing jurisdictions. It was brought out that among other factors, overlapping would cause higher taxes due to the limited interest of taxing jurisdictions, their functions being restricted to only one, or a few, local services.
9. Meeting adjourned at 4:30 P.M. to reconvene at 11:00 A.M. on November 26th.

Minutes - 8th Meeting

November 23, 1955

1. Meeting called to order by Chairman Rosswog at 2:00 p.m. All members present.
2. The meeting was devoted primarily to discussing the applicability of traditional forms of local government to Alaska.
3. An analysis was made of the types of municipalities currently existing in Alaska and the functions that they carry out. The three classes of cities have the following qualifications for their incorporation: First Class -- minimum 400 inhabitants, no area limitation; Second Class -- minimum 50 inhabitants, no area limitation; Third Class -- minimum 5 inhabitants, maximum area 50 square miles.
4. Municipalities in the States perform generally the same functions as those in Alaska, although their designations may be different (e.g. towns or villages).
5. The history of towns or townships was also reviewed. They form a basic unit of local government in New England and constitute a rural subdivision in mid-western and southern states. It was the consensus of the members that the township has no place in the local government structure of Alaska.
6. The County is the traditional governmental and administrative subdivision below the state level. In its discussion, the committee took cognizance of the fact that the major reasons for the ineffective operation of most counties have been limited jurisdiction, an overabundance of constitutionally established elective officials, and their lack of true local governmental authority. Due to its inadequacy, the county has been squeezed between the state and municipal governments. In order to overcome the existing limitations, special districts have been formed throughout the states to carry out local services and they have given rise to a multiplicity of overlapping taxing jurisdiction. The committee also discussed trends towards city-county consolidation in the states.
7. It was felt that any form of local government for Alaska that may be similar to counties would need a broader scope, should have authority to perform all services and provide a maximum amount of self government.
8. Members agreed that the word "county" had a very definite connotation and meaning to many people. In order to preclude rigid thinking, it was deemed desirable to substitute a broader term in discussions of major units of local government and the name "rural municipalities" was decided upon. It was agreed that this term would not preclude the granting of a broad scope to such a unit, including the performing of municipal as well as rural functions.

9. Other topics considered by the committee included the amount of self government that should be granted to small communities, the amount of self government that should exist in communities within a rural municipality, the need for state assistance and grants to local governments, and the choice of having local governments established on a voluntary or a compulsory basis.

10. Meeting adjourned 3:30 p.m.

Minutes - 7th Meeting

November 22, 1955

1. Meeting called to order by Chairman Rosswog, 11 A.M. All members present.

2. The meeting was devoted to a discussion of the local government needs of Alaska. An analysis was made of the functions currently being carried on at the local level by various governmental entities.

3. The following is a listing of organizational services being provided, giving the level of government responsible for providing such services ("local" includes municipalities, school districts, public utility districts):

- 1) Health - territorial with federal aid and limited local participation.
- 2) Education - territorial with local participation.
- 3) Welfare - territorial (and some private participation).
- 4) Law Enforcement - territorial, federal and local (overlapping).
- 5) Courts - federal and local.
- 6) Recording - federal and territorial
- 7) Roads - federal, territorial and local.
- 8) Assessment - local.
- 9) Libraries - territorial and local.
- 10) Elections - territorial and local.
- 11) Planning - local.
- 12) Housing - territorial with federal aid.

In addition to the above services which are provided at the local level, the following are generally available in urbanized localities:

- 1) Utilities
- 2) Streets and sidewalks
- 3) Building regulations
- 4) Fire protection
- 5) Garbage collection
- 6) Harbors and airports - with federal and territorial participation.

4. The local services classified above pertain, of course, to populated areas. The large expanses of unpopulated or sparsely populated areas in Alaska present a special problem in administration and local government, and allowance for this condition must be made in any solution to local government needs.

5. The Committee classified certain services as "basic" and they are listed in their order of importance.

- 1) Justice and law enforcement.
- 2) Education
- 3) Health
- 4) Welfare

These basic functions are generally provided by the state or with state supervision. Local governments play varying rolls in their provisions. Federal aid is generally available for items 2, 3, and 4. These services, being of utmost importance, derive their main financing from the state government in order to assure availability to all citizens.

6. Committee members also reviewed the general financial responsibility for the various functions performed on the local level. It was brought out that some of the urban functions, such as utilities or sidewalks, are made available by local governments when the people of a given area are able to finance such improvements.

7. A discussion brought out that one of the major needs of Alaska is self-government at the local level. Currently, only residents within municipalities have any degree of self-determination. People in the remainder of Alaska have no say in the government and administration of local affairs. They have no voice in determining the type and quality of services provided. It was pointed out that self-government on the local level is the basis of democracy.

8. There was general agreement that as much authority as possible should be placed at the local level. The actual division of responsibility, however, cannot be determined until the form of local government is established and the responsibility for providing services has been placed.

9. Attention was also devoted to the status of native village councils which now provide an informal local government. These councils operate without actual powers, but do provide certain basic controls in unorganized communities. One of the problems is that such communities frequently cannot afford to incorporate as municipalities under existing laws due to the tax burden that would be inherent in such action (e.g. for the support of local schools).

10. Meeting adjourned 12:30 p.m. to reconvene at 2:00 p.m. on November 23.

Minutes - 6th Meeting                      November 21, 1955

1. Meeting called to order by Chairman Rosswog at 3:30 p.m. All members present. Also present: Delegate Smith.

2. The Committee discussed the need for an outline of its work to help formulate daily programs. Special review was given to a proposed work program setting forth the steps leading to the preparation of a committee proposal. The work program was unanimously adopted and a copy follows these minutes.

3. The chairman presented a memorandum from the Convention President regarding the phasing of Committee work. The committee members discussed the possibility of holding a public hearing. It was decided that the subject matter of the committee work would not lend itself to holding hearings until later in the session when definite or tentative proposals have been drafted. It was decided that in the interim the chairman would prepare a statement to the public inviting suggestions regarding local government in Alaska.

4. In further discussion of the President's memorandum, it was agreed that the local government proposal would be submitted as one whole unit. Members agreed to set December 20 as the target date for a committee proposal.

5. Members agreed to review the local government needs in Alaska prior to the next meeting and be prepared to discuss the classification of state and local functions. Each member was to prepare a tentative breakdown.

6. Meeting adjourned at 4:30 p.m. and due to a conflict the next meeting was scheduled for 11 a.m., November 22.

General Work Program/1 - November 16, 1955

1. Review of PAS staff paper.
2. Review of local government needs in Alaska.
3. Classification of state or local functions.
4. Applicability of traditional forms of local government to Alaska.
5. Applicability of model provisions on local government.
6. Review of other proposals to meet Alaska's needs.
7. Preparation of Committee proposal.
8. Study of transitional provisions in local government.

Minutes - 5th Meeting                      November 19, 1955

1. Meeting called to order by Chairman Rosswog at 1:00 p.m. at Apartment 6, Alaskan Inn, Fairbanks. Members present: Cross, V. Fischer, Lee, Londborg and V. Rivers. Member absent: Doogan. Also present: Delegate McLaughlin.

2. Copies of "Proposed Research Project on Regionalism of Alaska's Physical, Economic and Social Characteristics" prepared by George Rogers were distributed for committee review.

3. Copies of the memorandum on "Local Government in Finland" prepared by Jack McKay were distributed to committee members.

4. The committee continued its review of the P.A.S. report. The review was completed with the reading of the last section devoted to problems of local government in Alaska.

5. An informal discussion was held among the members covering a number of topics relating to local government, including uniformity of assessment, law enforcement, need for flexibility and distribution of functions between the state and local government units, establishment of lower courts and their relationship to constitutional provisions of the judiciary.

6. Meeting adjourned at 3:30 p.m. to reconvene at 3:30 on Monday, November 21.

Minutes - 4th Meeting

November 18, 1955

1. Meeting called to order by Chairman Rosswog at 3:30 p.m. Members present: Cross, Doogan, V. Fischer, Lee, Londborg and V. Rivers. Also present: Delegate W. O. Smith; one visitor.

2. Minutes of the meeting of November 17 were approved as read.

3. The committee continued its reading and review of the P.A.S. report on local government. Subjects covered at this meeting were municipal home rule, county home rule and reorganization, and local government finance.

4. A communication covering ideas on local government structure in Alaska was received from Delegate W. O. Smith and was deferred for future consideration.

5. Meeting adjourned at 5 p.m. A special committee meeting is to be held on November 19 at 1 p.m. at Apartment No. 6, Alaskan Inn, Fairbanks.

Minutes - 3rd Meeting

November 17, 1955

1. Meeting called to order by Chairman Rosswog at 3:30 p.m. Members present: Cross, Doogan, Lee, Londborg and V. Rivers. Member absent: V. Fischer.

2. In the absence of V. Fischer, who was ill, Doogan acted as secretary.

3. The minutes of the committee meeting of November 16, 1955 were approved as read.

4. The chairman reported that notice was given to President Egan of the request for the services of Mr. Weldon Cooper as committee consultant.

5. The chairman also advised the committee that at the meeting of all chairmen, a discussion was held regarding committee participation on TV programs. Members of the committee agreed to cooperate with the proposed televising of meetings.

6. The balance of the meeting was devoted to the continued reading and discussion of the Public Administration Service report on local government.

7. The committee discussed the desirability of sending out notices of public hearing on local government to be held around December 1st. The matter was laid over for discussion at a subsequent meeting.

8. President Egan visited the committee meeting. One non-delegate was present as a spectator.

9. Meeting adjourned at 4:50 p.m. to reconvene at 3:30 p.m. on November 18th.



Constitutional Convention  
XII/Local Government/17

COMMITTEE ON LOCAL GOVERNMENT

Minutes - 18th Meeting December 4, 1955

1. Meeting called to order by Chairman Rosswog at 2:30 p.m. at the Northward Building in Fairbanks. All members present. Also present: Committee consultant Weldon Cooper; one visitor.

2. The committee reviewed its progress with the consultant and discussed the applicability of the Model State Constitutions' home rule provisions to the units contemplated for Alaska. Also reviewed was the possibility of establishing classes of local units and allocating home rule according to such classes.

3. The following was a list of agreed upon concepts to govern the establishment of local government units:

1. Avoid overlapping of local units.
2. Home rule should be granted in the constitution.
3. There should be a department of local government at the state level to assist local units.
4. There should be a gradation in the amount of self-government, some units being under complete home rule while others would be unorganized until they have developed.
5. Creation and boundaries of units:
  - a. All Alaska should be covered, whether organized or not.
  - b. Creation of units should be compulsory with provision for local initiative.
  - c. Boundaries should be established at state level.
  - d. Boundaries must be flexible.

4. There was general discussion about the responsibility for the boundaries of local units. It was brought out that the determination of local government boundaries is the concern, not only of the local citizen, but of the whole state. It was generally felt that the state has the obligation to establish boundaries, while local units should have authority to determine the powers to be exercised locally and the taxes which are levied.

5. It was the consensus of the group that boundaries should be created only upon very careful study of local economy, population, geography, etc.

6. The idea was advanced that boundaries be established

by a separate local government boundary commission, vested with the power to hear petitions for establishment of boundaries or for boundary changes and which could undertake such on its own initiative. The legislature would be given the power to veto or revise any decisions of such a commission. Such a power could also be vested as a function of a utility regulatory board that might be established under the state. The provision for such an organization would have to be made by the legislature subsequent to statehood.

7. There was some feeling that the citizens of a local unit should have some check upon the revision of their boundaries, possibly in the form of a referendum upon any proposed revision. At the same time, however, it was recognized that an objective analysis of relative needs between adjacent units could only be made on a level higher than the local unit.

8. It was also brought out that the problem of boundaries of urban units and of larger local government units are basically the same, differing only in degree. The same basic system could be established to resolve boundary changes of both. It was brought out that local political decisions do not usually create proper boundaries.

9. In discussing self-government, it was emphasized that home rule should carry all powers not specifically prohibited by the constitution or general law. In this connection, there was also discussion about the fact that local self-government carries with it very definite obligations, but that the assumption of such obligations should be coupled with major advantages, such as refund of taxes or other aid to meet newly assumed obligations. Home rule should not mean the state's withdrawal from all obligations within the local area, and the state should still continue to provide aid for through highways, education, law enforcement and similar basic functions.

10. In a discussion of the finances of local units, it was agreed that there should be no debt limitation provision in the constitution; nor should this document provide for equality of taxation, as that would preclude the establishment of service areas and differential taxation according to services rendered. The need for uniformity of assessment throughout the state was also brought out in a discussion of possible state responsibility for tax assessment. This need would be great if a property tax were levied within both unorganized and organized units of the state. The state has a particular interest in uniformity of assessment because grants-in-aid are generally based upon assessed valuations of local units.

11. Members agreed upon the need for finding a new name for

the local government unit. Such a name should not have any legal definition nor have a body of law built up over the years interpreting its scope and powers. The new word would be interpreted within the constitution and would be able to give the local unit such scope as may be needed to meet the needs of Alaska. It was felt that an Alaskan term might well be used, and investigation is to be made of possibly applicable Eskimo or Indian terms.

11. Meeting adjourned 5:00 p.m.

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Secretary

Minutes - 17th Meeting      December 2, 1955

1. Meeting called to order by Chairman Rosswog at 3:30 p.m. All members present. Also present: Delegate McLaughlin and Mr. Sheldon Elliott.

2. The minutes of the meeting of December 1 were approved as read.

3. The chairman of the committee on judiciary, Delegate McLaughlin, introduced the committee's consultant, Mr. Elliott, who discussed the relation of judiciary organization to local government.

4. Mr. Elliott explained that the trend in the states was towards an integrated court system, with local courts being established by the legislature on the basis of local needs, rather than being frozen into the constitution. The organization of and rules for local courts would be established at the state level, but the local governing body would enact laws for enforcement by the local courts. It was his recommendation that neither the judiciary nor the local government provisions of the constitution cover lower courts. After a discussion of the operation of such systems within the state, members of the committee agreed that the method outlined would best meet the judicial needs for urban and rural areas.

5. Home rule does not carry with it implied judiciary powers, unless the home rule provision contained in the constitution specifically granted local units authority to establish local courts.

6. Meeting adjourned at 5:00 p.m.

Minutes - 16th Meeting      December 1, 1955

1. Meeting called to order by Chairman Mosswoog at 3:30 p.m. All members present. Also present: Delegates Smith, Whit McCutcheon, Vincent Ostrom; three visitors.

2. The minutes of both meetings of November 29 and the meeting of November 30 were approved as read.

3. Mr. Vincent Ostrom, a convention consultant, met with the committee to review the work that had been accomplished so far and to answer questions. Mr. Ostrom outlined some of the problems of local government in the states.

4. Mr. Ostrom was in general agreement with the committee's ideas, stating that they constituted a sound pattern for dealing with urban-rural needs. He pointed out that one of the problems would be reconciling home rule with state control and agreed that one means of overcoming this could be the creation of a state administration agency that would aid municipalities, both urban and rural, in their organization and in the carrying out of their functions.

5. In reviewing the problem of urban communities, it was brought out that a system of limited annexation is currently being proposed in many states. This would involve the annexation of areas to carry out specific services, with taxes based upon the cost of such services. As fuller municipal services were provided to any such area, full annexation would take place. This, however, is a legislative matter.

6. There was also some discussion of resources development functions of local government. There was general agreement that in Alaska there has been recognition of this need in the powers granted to the municipalities and public utility districts and that future local governments may well have to stimulate and aid resource development.

7. Mr. Ostrom pointed out that constitutional language should be very broad. He emphasized that the Local Government Committee was blazing new ground and there is little in state constitutions to help draft provisions for a new unit of government in Alaska. Consideration also brought out the importance of leaving powers of the local government units open so that they would have the necessary authority to meet the general welfare needs of the future. Mr. Ostrom also emphasized that the establishment of tax and debt limitations should be a legislative matter and not be treated in the constitution. In this connection, he cited several cases in which development could never have taken place if restricted constitutional provisions had been in effect.

8. There was also some review of the county-manager form of government and its possible application to a new unit for Alaska. Mr. Ostrom stated his belief that the trend in the states has been to make the county head a "chief administrative officer" due to the large number of constitutional elective officers making a true local council inoperative. Whatever the title of such individuals might be, there was general agreement that since the governing body of such units would meet on only infrequent occasions, some provision would have to be made to carry out functions between board meetings.

9. Meeting adjourned at 5:00 p.m.

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Secretary

Minutes - 15th Meeting            November 30, 1955

1. The meeting was called to order by Chairman Rosswog at 11:00 a.m. All members present.

2. The minutes of both meetings held on November 28 were approved as corrected.

3. The Committee discussed the future work to be undertaken. It was the general consensus that drafting of tentative proposals should start as soon as possible as the members were in general agreement upon the basic concept of local government for Alaska. Additional refinements in both form and functions could be incorporated during the discussion of proposals.

4. Members reviewed a series of questions including whether city boundaries should extend to cover all urban areas and how this could be achieved; whether there should be a unification and consolidation of the area and city government; how local charters could be adopted; and what forms the local government could take.

5. There was also discussion of the status of special districts within the local government unit. It was pointed out that any districts could be abolished as long as arrangements have been made to meet any existing obligation. All agreed that special districts should come under the jurisdiction of the general government.

6. Meeting adjourned at 3:30 p.m.

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Secretary

Minutes - 14th Meeting      November 29, 1955

1. The meeting was called to order by Chairman Rosswog at 4:00 p.m. in the KTVF Studios. All members present.
2. The Committee reviewed its general thinking on the needs for local government in Alaska and the government district that had been previously discussed.
3. A substantial amount of discussion was devoted to the status of existing cities within the larger jurisdiction. On the one hand, it was brought out that the form of government should be flexible enough to permit abolition of municipalities and the transfer of their functions to the larger jurisdiction; urban functions could then be performed on the basis of service areas. On the other hand, it was argued that cities have built up a definite identity and exist for specific purposes and that they should in no case be abolished.
4. Meeting adjourned at 5:00 p.m.

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Secretary

Minutes - 13th Meeting      November 29, 1955

1. Meeting called to order by Chairman Rosswog at 11:00 a.m. All members present. Also present: Delegates Hurley and McLaughlin; Jack McKay; one visitor.
2. The Committee reviewed the city-parish (county) consolidation plan that is in operation in Baton Rouge, Louisiana. Under a special enabling act, the people of Baton Rouge parish adopted a system of joint government to perform most functions in the urban and rural areas. Representatives to the parish council are apportioned according to population, with the city representatives also constituting a city council for strictly municipal matters. Most administrative departments and boards perform functions both within the rural and urban areas. Separate budgets are kept for the parish and for the city, but accounting, tax collection and assessment are handled jointly. Annexation to the city of Baton Rouge takes place upon petition of property owners. The committee agreed that the Baton Rouge system of joint performance of mutual functions was worthy of consideration.
3. It was brought out that the urban-rural relationship varies throughout Alaska. In southeastern Alaska, the primary

population concentration is in cities. On the other hand, in areas such as Bristol Bay there are no incorporated municipalities, but a large number of similar size communities exist. It was agreed that all areas need a general form of local government, whether there is one city, a number of cities, or no city at all. In some cases, where the local area cannot carry out all local functions, State subsidies may have to be provided.

4. Members also reviewed the suggestion that a portion of revenue derived within any local district be returned to it. This suggestion was particularly applicable to revenue from natural resources.

5. Members also considered the problem that rural areas may prove to be a burden upon the municipality within the district. On the other hand, it was pointed out that spreading the tax base over a larger area would permit all people to pay for services from which they benefit. It was again brought out that the return of a general tax to a locality would prove an incentive to incorporation.

6. There was general agreement that the local government districts should cover as large an area as possible, based upon feasibility. In order to eliminate the possibility of creating too many separate units, it was suggested that sometimes more than one municipality could be included.

7. Members also discussed the legal status of local governments. The powers of cities are well defined and they are generally classified as municipal corporations. Other entities such as school districts and public utility districts have more limited jurisdiction. Counties perform some local functions and some functions that are under State direction. The home rule trend is bringing the county closer to becoming a "municipal corporation". The local government district as envisaged by the committee would constitute a "municipal corporation".

8. Meeting adjourned at 12:10 p.m.

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Secretary

Minutes - 12th Meeting

November 28, 1955

1. Meeting called to order by Chairman Rosswog at 3:30 p.m. Members present: Doogan, Fischer, Lee, Londborg, and Rivers. Member absent: Cross. Also present: Delegate Kilcher; George Rogers; one visitor.

2. The minutes of the meeting of November 26 were approved as read.

3. There was some additional discussion of the breaking up of Alaska into organized and unorganized governmental units, depending upon ability of the local areas to provide their own services. A similar system was followed in the history of the creation of counties in many of the western states and in the creation of rural municipalities in the western provinces of Canada.

4. The committee continued its discussion of the basic concept of future local government units for Alaska. In further review of the local functions, it was agreed that public health and welfare services would probably best be handled on the same basis as previously covered for police. Members thereupon turned to the investigation of how school functions would fit into the local government picture as had so far been discussed.

5. It was strongly emphasized that school districts should be within and under the jurisdiction of the local government districts, it being brought out that only one basic local service was involved in education. In order to assure balanced taxation, a general governmental entity must review school as well as other needs. Several alternative methods of carrying out school functions were reviewed. It would be possible to have a series of separate school districts within the overall local government district, all districts being under a "Board of Governors". Interest was also shown in the creation of a single school district coterminus which would be the general district and have one school board directly under the Board of Governors. Should any reorganization take place, it was pointed out, the present school districts could remain until all existing obligations had been retired. In discussing the interrelationship of local administration of education with State supervision, it was agreed that due to the possible financial burdens of general school districts, final arrangements would have to be worked out by the State legislature. Generally, it was agreed that the school functions could be integrated in the large local government district.

6. The committee next turned to an analysis of the relationship of existing municipalities to the new local government district. It was felt by some that the existing municipality would be a part of the district. Cities would not have control of the large service districts, these being under the Board of Governors. Cities would continue to take care of strictly local needs within their boundaries. In apportioning the district, cities would be represented on the Board of Governors either through election or directly through the City Council.

7. The Committee discussed the need for proper planning for the growth of urban as well as rural areas. This function, it



was agreed, could best be carried out jointly by the cities and the Board of Governors. Insofar as annexation was concerned to take care of the growth of urban areas, it was the general agreement that the need existed for a logical and sensible method. Among ideas discussed was that final say be left up to the Board of Governors or to the City Council upon petition and the possibility of basing the classification of areas as municipal upon the reaching of a certain population density.

8. Since each area in Alaska is so different from all others, it was agreed that the people of each area would best be able to determine the details of their own government. This determination could take place through the formulation and adoption of local charters. Within such charters, the method of districting for election to the Board of Governors, the responsibility for local functions, the methods of annexation, and other determinations could be made. Since most localities in Alaska do not have much experience in charter drafting, it was felt that, in accordance with previous committee discussion, the State could provide assistance in writing charters through a department largely concerned with local affairs.

9. Some attention was given to existing municipal-REA Co-op conflicts. Members agreed that any such conflicts would have to be resolved on a higher level by a disinterested body.

10. The general discussion brought out the need for flexibility and for permitting the state to adjust the boundaries between local government units. This would be the only method of allowing changes in local districts to parallel future economic, population and communication growth of Alaska.

11. The discussion again brought out the need for authority to provide centralized tax assessment and collection throughout Alaska, so as to prevent discriminatory practices between local government districts, either organized or unorganized.

12. The local government units so far discussed were based upon boundaries set up for discussion purposes only. It was agreed that the Constitution could contain authority for the creation of units and for the adoption of charters; that the state legislature should be authorized to establish and change boundaries; and that the state legislature should be authorized to select those units that ought to be organized and unorganized.

13. Meeting adjourned at 5:00 p.m.

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Secretary

Minutes - 11th Meeting

November 28, 1955

1. Meeting called to order by Chairman Rosswog at 11:00 a.m. All members present. Also present: Delegates H. Fischer, Kilcher; one visitor; George Rogers.
2. The minutes of the meeting of November 25 were approved as read.
3. The Committee discussed the basic local functions as they could be applied to individual local government units as delineated for discussion purposes at the morning and afternoon meetings on Saturday, November 26th.
4. Members reviewed the possible means of carrying out law enforcement functions in the Cordova, Valdéz, Copper Center area. Through the discussion, a concept of the local government was evolved with an elected Board of Governors which would represent all people of the district. Police functions within the district could be handled best under the direction of the Board, bringing in the maximum amount of self-government. It was felt that the state could assist in carrying out the police functions over the large area or could delegate its own functions to the district, also providing financial assistance.
5. A review of the application of police functions to the Kotzebue district presented a series of problems. It was agreed that it might be feasible to have a central station in Kotzebue, with local deputies in small communities throughout the district; however, a Board of Governors directing police functions would be feasible on only a very limited basis due to problems of cost and interest.
6. The Committee's discussion brought out the large differences existing in the needs and readiness for local government organization. It was shown that no matter what type form of local government could be devised for all of Alaska, provision would have to be made for unorganized districts. Within such unorganized districts a community organization could exist under state law with limited obligations and jurisdiction; overall district government would have to wait greater readiness.
7. Meeting adjourned at 12:30 p.m.

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Secretary

Constitutional Convention  
XII/Local Government  
December 5, 1955

COMMITTEE ON LOCAL GOVERNMENT

Minutes - 19th Meeting

1. Meeting called to order by Chairman Rosswog at 1:30 P. M. All members present. Also present: President Egan, Committee Consultant Weldon Cooper; one visitor.
2. Minutes of the meetings of December 2 and 4 approved as read.
3. The following items were considered a possible inclusion in our constitution(it was recognized that some were of a legislative nature but should receive some consideration in connection with the writing of proposals):
  1. Grant of home rule to local governments; self-executing; Grant of legislative powers not prohibited by the constitution or by general law.
  2. Classes of local government units.
  3. No ~~further overlapping~~ overlapping of taxing authorities.
  4. State department and local affairs.
  5. Boundaries-establishment and changes.
  6. Bonds-protect bond holders in case of changes in present political sub-divisions.
  7. Transitional period for rearrangement of local units.
  8. Special taxing districts on basis of service areas.
  9. Intergovernmental arrangements; provision for cooperation and for transfer of functions.
  10. Status of existing special districts.
4. Extensive consideration was given to the status of cities within the local government unit and the relation between the two. In reviewing the ~~practical~~ question of whether taxes would be levied on the whole area or only upon the portion being served, it was the general consensus that taxes should be pro-rated on the basis of services rendered. Where a service is performed throughout the whole unit the taxes would be all inclusive.

5. Among the alternatives for city and local government unit organizational relationships the following were discussed: abolition of all cities and their reconstitution of special urban tax districts within the larger unit; retention of existing cities but prohibition of future incorporations; retention of cities over a specified population in assessment level and abolition of those below such level; retention of all cities and permission ~~for future~~ incorporation in separation of all cities from the surrounding unit. The abolition of cities in the creation of urban service areas would have the advantages of unified government and joint use of services without duplication, it was also recognized that cities have over the years, developed a large number of facilities ~~in their limits~~ and a definite corporate identity and some change ~~in~~ would be difficult to accomplish. ~~It was generally agreed that the cities should be~~  
~~incorporated into the surrounding unit to the greatest possible extent.~~

6. It was generally agreed that the city should be a part of the surrounding unit to permit maximum cooperation and consolidation of functions. Any governmental reorganizations would have to be of advantage to the cities to make them acceptable. In this ~~in~~ connection it was also brought out that residents in cities currently subsidized services outside ~~the limits~~ of their limits through the payment of territorial taxes and that they would probably find direct participation in joint services more advantageous.

7. Meeting adjourned at 3:00 P. M.

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Secretary

Constitutional Convention  
III/Local Government  
December 6, 1955

COMMITTEE ON LOCAL GOVERNMENT

Minutes - 20th Meeting

1. Meeting called to order by Chairman Rosswog at 1:30 P. M. All members present. Also present: committee consultant, Welden Cooper.
2. The minutes of the meeting of December 5 were approved as read.
3. The committee scheduled a hearing of local government at 9:30 A. M. on December 10th at Constitution Hall. Invitations to be sent out by the Committee Chairman.
4. Members reviewed a preliminary draft of the first portion of the local government article. The draft was being prepared by the committee consultant and working with a special sub-committee.
5. Meeting adjourned at 2:10 P. M.

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Secretary

Constitutional Convention  
XII/Local Government  
December 7, 1955

COMMITTEE ON LOCAL GOVERNMENT

Minutes of 21st Meeting

1. Meeting called to order by Chairman Rosswog at 1:30 P. M. All members present except Londborg. Also present was Committee consultant, Walden Cooper.
2. The preliminary draft on an Article on local government was distributed to Committee members. Subsequent to a review, the committee members will convene at 7:30 P.M. to discuss the draft.
3. Meeting adjourned at 1:40 P. M.

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Secretary

Constitutional Convention  
XII/Local Government  
December 7, 1955

COMMITTEE ON LOCAL GOVERNMENT

Minutes of 22nd Meeting

1. Meeting called to order by Chairman Rosswog at 7:30 P. M. All members present. Also present Committee consultant, Weldon Cooper.

2. The committee reviewed the first draft of the local government report making changes for inclusion in the second draft. Sections covered included the local government system, cities, the large unit of local government and its classes, status and power of cities, governing bodies of local units, establishment of service areas, and procedure for creation of local units and establishment of their boundaries.

3. The discussion of individual points brought out agreement that the constitution should not preclude abolition of existing cities but may become inactive. It was also the general consensus of the committee that the matter of determining boundaries be in a separate agency rather than being vested in the legislature, however, the opinion was also expressed that the legislature should have a veto power over any such agency.

4. Meeting adjourned 10:30 P. M.

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Secretary

Constitutional Convention  
XII/Local Government  
December 8, 1955

COMMITTEE ON LOCAL GOVERNMENT

Minutes - 23rd Meeting

1. Meeting called to order by Chairman Rosswog at 1:30 P. M. All members present. Also present: Committee consultant, Weldon Cooper; one visitor.
2. The minutes of the meetings of December 6th and 7th (first) were approved as read.
3. The committee continued its review of the local government article, working on the second draft.
4. Members agreed that a preamble should be included in the article to state the general policies to be followed in the establishment of local government units. If this matter is not included in the preamble it is to be incorporated in one or more of the substantive sections. It was the opinion of committee members that in the case of establishment of new local governments the legislature and courts should have some policy statements to guide them and that, generally, a greater amount of detail was justified on local government than in some of the more routine articles.
5. The discussion brought out that a municipal corporation, either a city or the larger unit of local government, would receive its powers from the constitution, the state legislature and its home rule charter, if authorized to adopt one. It was pointed out that the committee must make sure that all units of government will be able to have the necessary authority to perform all functions needed for proper local government. At the same time the state is to be granted authority to perform certain advisory and reviewing functions in respect to local units.
6. In reviewing authority granted to cities members discussed the need to provide small communities with limited powers to meet basic local needs. Such powers could derive from the assembly, if the unit were located within an organized rural municipality. If the latter were not organized, the power would have to be delegated by the state legislature or by a state agency. For example, it was pointed out that police deputies could be appointed by the state police department. The discussion



brought out that sufficient authority would exist within the framework of the larger local units and would be vested in the state legislature to meet the needs of small localities without specific provision in the constitution.

7. The meeting was recessed for fifteen minutes at 3:30 P. M. The meeting adjourned at 5 P. M.

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Secretary

COMMITTEE ON LOCAL GOVERNMENT

Minutes of the 24th Meeting

1. Meeting called to order by Chairman Rosswog at 7:30 P. M. All members present except Delegate Doogan. Also present: Committee consultant, Weldon Cooper.
2. The committee continued its review of the second draft of the local government article.
3. Specifically reviewed were traditions authorizing the adoption of home rule charters. It was generally agreed that procedure should be left to the legislature and to the local government body. The grant of powers is to be based upon "legislative powers". Rather than a specific enumeration. Enumerations have frequently been restrictively interpreted by the courts. Nor was it felt desirable that the grant be on the basis of powers covering "local affairs" or "local government". Such terms have also given rise to continuous judicial interpretation, causing great uncertainty in what the actual powers of local government are. The grant of "legislative" powers would be subject to restrictions contained in the constitution to powers specifically withheld by the legislature and the powers withheld by the people in the adoption of their local charter.
4. In discussing the type of state agency that is deemed needed, it was brought out that it is not desirable to combine regulatory authority with authority to extend aid and assistance; due to the conflict between such functions the combination of them within a single agency weakens one or the other function. Examples were brought out dealing with agricultural agencies, (separation of crop control authority from farm demonstration programs) and state local government assistance programs in New Jersey (post audit is separate from the division providing assistance to local government in establishing their budgets or preparing bond programs) It was the opinion that boundaries should be determined by a separate agency, possibly a commission, while advisory functions would be vested in another, permanent agency. The latter could help collect and supply data to the first group to help in the formulation of the boundaries.
5. Meeting adjourned at 10:00 P. M.

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Secretary

Constitutional Convention  
XII/Local Government  
December 10, 1955

COMMITTEE ON LOCAL GOVERNMENT

Minutes of the 25th Meeting

1. Meeting called to order by Chairman Rosswog at 1:30 P. M. All members present. Also present: Committee consultant, Weldon Cooper.
2. Members discussed the procedure to be taken on proposals after introduction on the floor. Some consideration was also given to the preparation of a condensed report outlining the committee thinking.
3. In reviewing the second draft of the committee proposal, special attention was given to provisions given to special districts. It was the general agreement that these would have to go under the jurisdiction of the rural municipality or a city, if completely included in the latter. The procedure for the change over would be established by the legislature.
4. There was considerable discussion of a suggestion that home rule charters provide for or that charter commissions consider inclusion of one adjustment of bonded indebtedness to representation by population and area and free differential taxation. The view was taken that the constitution should include at least their requirement for consideration of such provisions in order to assure that they be given full study before a charter is drawn. In this connection, there was further discussion as to whether adjustment of bonded indebtedness is necessarily a desirable practice in view of the usual situations where an indebtedness may be extended in exchange for a certain benefits. It was also stated that the provisions mentioned above were of sufficient importance to justify inclusion in the constitution, even if only as suggestions. On the other hand it was pointed out that they were not the proper subject for inclusion in the constitution and that their inclusion could open the way to further provisions of this type. No agreement on this matter was reached and the matter laid over for future consideration.
5. Meeting adjourned at 3:00 P. M.

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Secretary

COMMITTEE ON LOCAL GOVERNMENT

Minutes of the 25th Meeting

1. Meeting called to order by Chairman Rosswog at 1:30 p.m. All members present. Also present: Committee consultant, Weldon Cooper.
2. Members discussed the procedure to be taken on proposals after introduction on the floor. Some consideration was also given to the preparation of a condensed report outlining the committee's thinking.
3. In reviewing the second draft of the committee proposal, attention was given to provisions relating to special districts. It was the general agreement that these would have to go under the jurisdiction of the rural municipality or a city, if completely included in the latter. The procedure for the change-over would be established by the legislature.
4. There was considerable discussion of a suggestion that home rule charters provide for or that charter commissions consider inclusion of adjustment of bonded indebtedness, representation by population and area, and differential taxation. The view was taken that the constitution should include at least the requirement for consideration of such provisions in order to assure that they be given full study before a charter is drawn. In this connection, there was further discussion as to whether adjustment of bonded indebtedness is necessarily a desirable practice in view of the usual situations where an indebtedness may be extended in exchange for certain benefits. It was also stated that the provisions mentioned above were of sufficient importance to justify inclusion in the constitution, even if only as suggestions. On the other hand it was pointed out that they were not proper subject for inclusion in the constitution and that their inclusion could open the way to further provisions of this type. No agreement on this matter was reached and the matter was laid over for future consideration.
5. Meeting adjourned at 3:00 p.m.

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Victor Fischer  
Secretary

Minutes of the 24th Meeting

1. Meeting called to order by Chairman Rosswog at 7:30 p.m. All members present except Delegate Doogan. Also present: Committee consultant Weldon Cooper.

2. The Committee continued its review of the second draft of the local government article.

3. Specifically reviewed were provisions authorizing the adoption of home rule charters. It was generally agreed that procedure should be left to the legislature and to the local government body. The grant of powers is to be based upon "legislative powers" rather than a specific enumeration. Enumerations have frequently been restrictively interpreted by the courts. Nor was it felt desirable that the grant be on the basis of powers covering "local affairs" or "local government". Such terms have also given rise to continuous judicial interpretation, causing great uncertainty in what the actual powers of local government are. The grant of "legislative" power would be subject to restrictions contained in the constitution, to powers specifically withheld by the legislature and to powers withheld by the people in the adoption of their local charter.

4. In discussing the type of state agency that is deemed needed, it was brought out that it is not desirable to combine regulatory authority with authority to extend aid and assistance. Due to the conflict between such functions, their combination within a single agency weakens one or the other function. Examples were brought out dealing with agricultural agencies (separation of crop control authority from farm demonstration programs) and state local government assistance programs in New Jersey (post audit is separate from the division providing assistance to local government in establishing their budgets or preparing bond programs). It was the opinion that boundaries should be determined by a separate agency, possibly a commission, while advisory functions would be vested in another, permanent agency. The latter could help collect and supply data to the first group to help in the formulation of the boundaries.

5. Meeting adjourned at 10:00 p.m.

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Victor Fischer  
Secretary

Minutes of the 23rd Meeting

1. Meeting called order by Chairman Rosswog at 1:30 p.m. All members present. Also present: Committee consultant Weldon Cooper; one visitor.

2. The minutes of the meeting of December 6th and 7th (first meeting) were approved as read.

3. The committee continued its review of the local government article, working on the second draft.

4. Members agreed that a preamble should be included in the article to state the general policies to be followed in the establishment of local government units. If this matter is not included in the preamble, it is to be incorporated in one or more of the substantive sections. It was the opinion of committee members that in the establishment of new local governments, the legislature and courts should have some policy statements to guide them and that, generally, a greater amount of detail was justified on local government than in some of the more standard articles.

5. The discussion brought out that a municipal corporation, either a city or the larger unit of local government, would receive its powers from the constitution, the state legislature, and its home rule charter, if authorized to adopt one. It was pointed out that the committee must make sure that all units of government will be able to have the necessary authority to perform all functions needed for proper local government. At the same time, the state is to be granted authority to perform certain advisory and reviewing functions in respect to local units.

6. In reviewing authority granted to cities, members discussed the need to provide small communities with limited powers to meet basic local needs. Such powers could derive from the assembly, if the unit were located within an organized rural municipality. If the latter were not organized, the power would have to be delegated by the state legislature or by a state agency. For example, it was pointed out that police deputies could be appointed by the state police department. The discussion brought out that sufficient authority would exist within the framework of the larger local units and would be vested in the state legislature to meet the needs of small localities without specific provision in the constitution.

7. The meeting was recessed for fifteen minutes at 3:30 p.m. The meeting adjourned at 5:00 p.m.

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Victor Fischer  
Secretary

Minutes of the 22nd Meeting

December 7, 1955

1. Meeting called to order by Chairman Rosswog at 7:30p.m. All members present. Also present: Committee consultant Weldon Cooper.

2. The committee reviewed the first draft of the local government report, making changes for inclusion in the second draft. Sections covered included the local government system, cities, the large unit of local government and its classes, status and power of cities, governing bodies of local units, establishment of service areas, and procedure for creation of local units and establishment of their boundaries.

3. The discussion of individual points brought out agreement that the constitution should not preclude abolition of existing cities that may become inactive. It was also the general consensus of the committee that the matter of determining boundaries should be in a separate agency, rather than being vested in the legislature. However, the opinion was also expressed that the legislature should have a veto power over any such agency.

4. Meeting adjourned at 10:30 p.m.

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Victor Fischer  
Secretary

Minutes of the 21st Meeting

December 7, 1955

1. Meeting called to order by Chairman Rosswog at 1:30 p.m. All members present except Londborg. Also present: committee consultant Weldon Cooper.

2. The preliminary draft of the article on local government was distributed to committee members. Subsequent to a review, the committee members decided to convene at 7:30 p.m. to discuss the draft.

3. Meeting adjourned at 1:40 p.m.

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Victor Fischer  
Secretary

Minutes of the 20th Meeting

December 6, 1955

1. Meeting called to order by Chairman Rosswog at 1:30 p.m. All members present. Also present: committee consultant Weldon Cooper.

2. The minutes of the meeting of December 5 were approved as read.

3. The committee scheduled a hearing on local government at 9:30 a.m. on December 10 at Constitution Hall. Invitations to be sent out by the Committee Chairman.

4. Members reviewed a preliminary draft of the first portion of the local government article. The draft was being prepared by the committee consultant, working with a special sub-committee.

5. Meeting adjourned at 2:10 p.m.

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Victor Fischer  
Secretary

Minutes of the 19th Meeting

December 5, 1955

1. Meeting called to order by Chairman Rosswog at 1:30 p.m. All members present. Also present: President Egan; committee consultant Weldon Cooper; one visitor.

2. Minutes of the meetings of December 2 and 4 were approved as read.

3. The following items were considered for possible inclusion in the constitution ( it was recognized that some were of a legislative nature but should receive some consideration in connection with the writing of proposals):

1. Grant of home rule to local governments; self executing; grant of all legislative powers not prohibited by the constitution or by general law.

2. Classes of local government units.

3. No overlapping of taxing authorities.



4. State department on local affairs.
5. Boundaries; establishment and changes.
6. Bonds; protect bond holders in case of changes in present political sub-divisions.
7. Transitional period for rearrangement of local units.
8. Special taxing districts on basis of service areas.
9. Intergovernmental arrangements; provision for cooperation and for transfer of functions.
10. Status of existing special districts.

4. Extensive consideration was given to the status of cities within the local government unit and the relation between the two. In reviewing the question of whether taxes would be levied on the whole area or only upon the portion being served, it was the general concensus that taxes should be pro-rated on the basis of services rendered. Where a service is performed throughout the whole unit, the taxes would be all inclusive.

5. Among the alternatives for city and local government unit organizational relationships the following were discussed: abolition of all cities and their reconstitution as special urban tax districts within the larger unit; retention of existing cities, but prohibition of future incorporations; retention of cities over a specified population and assessment level and abolition of those below such level; retention of all cities and permission for future incorporation and separation of all cities from the surrounding unit. The abolition of cities in the creation of urban service areas would have the advantages of unified government and joint use of services without duplication, but it was also recognized that cities have over the years developed a large number of facilities and a definite corporate identity and sudden change would be difficult to accomplish.

6. It was generally agreed that the city should be a part of the surrounding unit to permit maximum cooperation and consolidation of functions. Any governmental reorganizations would have to be of advantage to the cities to make them acceptable. In this connection it was also brought out that residents in cities currently subsidize services outside of their limits through the payment of territorial taxes and that they would probably find direct participation in joint services more advantages.

7. Meeting adjourned at 3:00 p.m.

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Victor Fischer  
Secretary

Constitutional Convention  
XII Local Government/19

COMMITTEE ON LOCAL GOVERNMENT

Minutes - 31st Meeting December 19, 1955

1. Meeting called to order by Chairman Rosswog at 1:45 p.m. All members present.
2. The minutes of the meetings of December 7, 8, 9, and 10 were approved as read. Meeting adjourned at 2:00 p.m.

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Secretary

Minutes - 30th Meeting December 17, 1955

1. Meeting called to order by Chairman Rosswog at 6:00 p.m. Members absent: Cross and Rivers. Also present: Delegate Harris and Committee Consultant Weldon Cooper.
2. The committee reviewed and approved the commentary to be submitted for the Local Government Article.
3. Meeting adjourned at 6:30 p.m.

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Secretary

Minutes - 29th Meeting December 15, 1955

1. Meeting called to order by Chairman Rosswog at 9:00 a.m. All members present. Also present: President Egan, Delegates McLaughlin, and Sundborg; former Governor Gruening; Committee Consultant, Weldon Cooper.
2. The committee reviewed around forty names for possible use in designating the local government district to be established in the Local Government Article. After thorough discussion of all alternatives, the committee

agreed to use the term "borough". The name was chosen because it has no specific meaning in Alaska or in general law and at the same time people are familiar with the term. The name does not have any undesirable connotation in the minds of most people. The dictionary definition of borough includes "a town or a place organized for local government purposes".

3. (The following names were considered by the committee: county, town, township, shire, parish, borough, precinct, burg, burgar, tundraburg, nunat, minupuk, authority, municipal district, rural municipality, division, circle, unit, areas, syzygy, couperie, ganglion, aurora, environ, locus, venue, aerie, polaris, commonwealth, poloria, mural district, rurban district, tundarea, constellation, munit, compos, dcompass, local unit, ruripality, political unit, district, unitality, denali, province, department, canton.)

4. The committee decided to add a section regarding the imposition of increased financial burdens through the imposition of state functions upon local government units. The purpose of a provision is to prevent the state from passing on what are properly duties of the state to the local unit without agreement of the local unit or without providing the revenue to cover the increased expenditures. Frequently state legislatures have passed on some of their functions so as to decrease the burden upon the state treasury. The result has been a bankrupting of local governments. The provision as proposed, would make sure that burdens would be borne by the appropriate governmental entities.

5. Delegates Lundborg and Rivers left to attend another meeting.

6. After completion of the review and amending of the fourth draft it was moved, seconded and unanimously agreed that the fourth draft of the local government article, as corrected, be submitted as the committee proposal.

7. Committee members further agreed that after the hearing recess, the committee would ask for the return of the proposal to the committee for additional work, primarily to cut out the excess language, eliminate duplication and resolve conflicts. The secretary and consultant were instructed to prepare a committee report for submission with the proposal.

8. Meeting adjourned at 11:40 a.m.

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Secretary

Minutes - 28th Meeting December 14, 1955

1. Meeting called to order by Chairman Rosswog at 11:00 a.m. All members present. Also present: Committee Consultant Weldon Cooper.

2. The committee reviewed the fourth draft, making final corrections.

3. Committee members again emphasized the need to prevent overlapping of taxing authorities. The overlapping of service areas would be possible. These areas, however, would be under the single taxing authority of the assembly.

4. Specific provision was made to give the city council authority over matters of concern to the city only. All other jurisdiction would be vested in the assembly.

5. A statement was added to require consideration of bonded indebtedness, representation and differential taxation in the drafting of charters. Also added was a series of specifications to be followed in the making of boundary changes.

6. The meeting recessed from 12:20 to 1:00 p.m. Meeting adjourned 2:00 p.m.

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Secretary

Minutes - 27th Meeting December 13, 1955

1. The special meeting was opened at 11:30 a.m. with the Committee Chairman, Secretary and Consultant present.

2. The review of the third draft was completed. During the review it was pointed out that in unorganized areas any required service could be provided through the establishment of a limited-authority assembly. This would be a step towards preparation for greater self-government.

3. A provision for optional forms of local government was included in the proposed article to authorize the adoption of differing administrative organizations, such as the mayor-council form, the council-manager form or optional practices such as election of councilmen by wards.

4. Meeting adjourned at 12:30 p.m.

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Secretary

Minutes - 26th Meeting December 12, 1955

1. Meeting called to order by Chairman Rosswog, at 8:45 p.m. Members absent: Doogan and Rivers. Also present: Committee Consultant Weldon Cooper.

2. The committee reviewed the third draft of the local government article.

3. Considerable discussion was given to the inclusion of a provision emphasizing liberal construction of the article. Rigid interpretation could make the article unworkable, as courts have generally treated local government provisions in a very narrow way. The inclusion of a liberal construction clause would help to achieve the purpose and intent of the article. Without it the purposes may be side-stepped. Since the article creates something new to the courts, they will receive guidance from the statement of purpose.

4. In reviewing the provisions for the establishment of service areas, it was decided to add a provision for participation by residents. The intent of such a provision would not be to make residents a part of the assembly, the governing body, but to have them act in an advisory or administrative capacity. It was also pointed out that while the section on service areas is long, it establishes the basis for the levy of taxes and for bonded indebtedness and therefore its provisions should be spelled out specifically.

5. In reviewing the provision for incorporation of cities, there was discussion for the need of including assessed valuation as well as higher population in standards for future incorporations.

6. Meeting adjourned 10:50 p.m.

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Secretary

Minutes 25th Meeting December 10, 1955

1. Hearing called to order by Chairman Rosswog at 9:50 a.m. in Constitution Hall. All members present.

2. The Chairman outlined the scope of the committee's work, the studies that were undertaken, enumerated the needs of Local Government in Alaska and set forth the basic purposes of a local government system. The committee proposal was then outlined by several members, who also gave explanations of particular sections.

3. Delegate Davis inquired regarding proposed unified assessment on the state or district level. In answer, it was pointed out that the committee was proceeding on the basis of unified assessment, with taxing power vested in cities and the larger jurisdiction.

4. Delegate McNees reviewed the problems of education in sparsely populated areas, particularly where a city school serves a large tributary area. He emphasized the need for a local government area being based upon the needs as they may exist, rather than upon arbitrary political boundaries. He also agreed that state assistance was a vital function and that boundaries should be flexible.

5. Mayor Douglas Preston of Fairbanks, President of the League of Alaskan Cities, discussed the representation of cities on the governing body of the rural municipality.

6. Fairbanks City Manager Slankard stated that a system more workable than the traditional county is needed so that cities would not be taxed without receiving any benefit. He emphasized that one of the problems in Alaska is that people in small urban areas pay to support facilities used by people beyond the city limits. He supported a single assessing agency and commented in favor of the committee proposal.

7. Delegates Hermann and Hurley also discussed the application of the proposed Local Government system to educational needs. Delegate Hurley commented favorably upon the establishment of a single body which could consider all local government needs and services.

8. Approximately 45 delegates and visitors attended the hearing. Hearing adjourned at 11:40 a.m.

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Secretary