

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 07-39**

**AN ORDINANCE OF THE CITY OF WASILLA, ALASKA, DIRECTING THE CITY CLERK TO SUBMIT THE QUESTION TO THE QUALIFIED VOTERS OF THE CITY AT THE OCTOBER 2, 2007 REGULAR CITY ELECTION ASKING WHETHER A CHARTER COMMISSION SHOULD BE ELECTED TO PREPARE A PROPOSED HOME RULE CHARTER FOR THE CITY.**

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WHEREAS, the Wasilla City Council desires to submit the question of the election of a Charter Commission to prepare a proposed Home Rule Charter for Wasilla to the qualified voters of the city.

**Section 1. Classification.** This is a non-code ordinance.

**Section 2. Submission to voters.** The City Clerk shall submit the following proposition to the qualified voters of the city at the regular election of October 2, 2007.

The proposition shall read as follows:

**Proposition No. \_\_\_\_**

**HOME RULE CHARTER COMMISSION**

**“Shall a Charter Commission be elected to prepare a proposed Charter?”**

**Section 3. Proposition.** The proposition shall be printed on a ballot and the following words shall be added as appropriate and next to a square provided for marking the ballot for voting by hand or machine:

PROPOSITION NO. \_\_\_\_ YES

NO

**Section 4. Election of Commissioners.** At the same election, the qualified voters of the City of Wasilla shall elect seven Charter Commission Members from candidates who have been nominated in accord with AS 29.10.040. At this election, a voter may vote for not more than seven candidates.

**Section 5. Charter Commission Candidates.** A Charter Commission candidate is nominated by a petition signed by at least 50 registered voters of the city. Nominating petitions must be filed with the city clerk between July 16 and July 27, 2007 from 8 a.m. to 5 p.m. Monday through Friday.

**Section 6. Qualification of Charter Commission Candidate.** A Charter Commission candidate must have been a qualified voter in the city for at least one-year immediately preceding the Charter Commission election.

**Section 7. Seven Nominations Required.** If at least seven nominations for a qualified charter commission candidates are not filed, this ordinance is void and this election will not be held.

**Section 8. Effect of Voter Approval or Rejection.** If the proposition is approved by the voters, then the seven candidates receiving the highest number of votes shall immediately organize as a charter commission. If the proposition is not approved by the voters, the election of commissioners shall have no effect.

**Section 9. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council on June 25, 2007.

ATTEST:



KRISTIE SMITHERS, MMC  
City Clerk

  
DIANNE M. KELLER, Mayor

[SEAL]



**CITY OF WASILLA  
LEGISLATION STAFF REPORT**

**RE: Ordinance Serial No. 07-39: Directing The City Clerk To Submit The Question To The Qualified Voters Of The City At The October 2, 2007 Regular City Election Asking Whether A Charter Commission Should Be Elected To Prepare A Proposed Home Rule Charter For The City.**

Agenda of: June 11, 2007

Date: June 4, 2007

Originator: City Clerk for Council Member Menard

Route to:	Department	Signature/Date
X	Finance, Risk Management & MIS Director Purchasing	
X	Deputy Administrator Planning, Economic Development, Human Resources	
X	City Clerk	<i>K. Menard</i>

**REVIEWED BY MAYOR DIANNE M. KELLER:** \_\_\_\_\_

**FISCAL IMPACT:**  yes\$      or     no  
Funds Available     yes       no (funds have not been appropriated as of  
June 11, 2007)

Account name/number:

Attachments: Ordinance Serial No. 00-41(SUB);  
June 18 and 25, 2004 Memorandums from Thomas Klinkner  
AS 29.10.010 - 100

**SUMMARY STATEMENT:**

In 2000, the City Council postponed indefinitely Ordinance Serial No. 00-41(SUB), a proposal to place a question before the voters asking whether a charter commission should be elected to prepare a home rule charter for the city. Since that time, and as recently as 2004, the City Council, Mayor and Commissions of the city have held in depth discussions on the subject of home rule status.

**Process of Becoming a Home Rule**

If the City Council desires to obtain home rule status, an election would first need to be held to ask the voters "Shall a Charter Commission be elected to prepare a proposed Charter?" At the same election, the voters would elect a seven member Charter Commission from candidates, who have filed a nominating petition with the City Clerk in accordance with AS 29.10.040.

If the Council wishes to bring this ballot proposition forward at the next regular election of October 2, 2007, the filing period for Charter Commission Members would begin on July 16 and end on July 27. This is the same filing period for candidates wishing to run for a seat on the city council in the upcoming election.

If the question of creating a Charter Commission passes, the Charter Commission would have one year to prepare a proposed charter and hold at least one public hearing on the charter. The proposed charter would then be submitted to the voters at a second election. At that time if the charter is approved, home rule status would be effective on the date the election is certified. However, if during the second election, the charter is rejected, the Charter Commission is mandated to prepare another proposed charter to be submitted to the voters within one year of the election rejecting the first proposed charter.

If during the third election, the proposed charter is rejected a second time, then the Charter Commission is dissolved and the matter is treated as if the adoption of a charter was never proposed or approved.

In other words, a minimum of three elections maybe held before the City obtains Home Rule status.

Election No. 1        Voters to decide if a charter commission should be elected to prepare a proposed charter and if so, voters will also elect seven qualified persons to serve on the charter commission to draft the proposed charter.

Election No. 2        Voters to adopt or reject the proposed charter as drafted by the charter commission.

Election No. 3        If rejected the first time, the voters would again be provided an opportunity to adopt or reject the proposed charter. This election must take place within one year of Election No. 2

### **Funding**

If the voters approve the question of creating a Charter Commission to draft a Charter, the City Attorney and Clerk, and at times department heads and staff would need to attend Charter Commission meetings to answer questions. The City Attorney would assist the Charter Commission in drafting the charter.

If the Council adopts this AM, a funding ordinance will be brought forward requesting additional funding in FY-08 to cover expenses related to the Commission.

### **Clerk's Note**

Based on Council Member Menard's request, Ordinance Serial No. 00-41(SUB) was revised to include current information for the upcoming October 2, 2007 regular city election. The City Attorney has not reviewed this proposed ordinance. If the Council introduces this ordinance, it may be necessary for this ordinance to be amended on the floor or brought back as a substitute at the public hearing after attorney review.

Requested by: Administration  
Prepared by: Attorney  
Introduced: May 22, 2000  
Public Hearing: June 12, 2000  
Substituted: June 26, 2000  
Public Hearing: June 26, 2000  
Postponed Indefinitely: June 26, 2000  
Vote: Unanimous

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 00-41(SUB)**

**AN ORDINANCE OF THE CITY OF WASILLA, ALASKA, DIRECTING THE CITY CLERK TO SUBMIT THE QUESTION TO THE QUALIFIED VOTERS OF THE CITY AT THE OCTOBER 3, 2000 REGULAR CITY ELECTION ASKING WHETHER A CHARTER COMMISSION SHOULD BE ELECTED TO PREPARE A PRPROPOSED HOME RULE CHARTER FOR THE CITY.**

---

WHEREAS, the Wasilla City Council desires to submit the question of the election of a Charter Commission to prepare a proposed Home Rule Charter for Wasilla to the qualified voters of the city.

**Section 1. Classification.** This is a non-code ordinance.

**Section 2. Submission to voters.** The City Clerk shall submit the following proposition to the qualified voters of the city at the regular election of October 3, 2000. The proposition shall read as follows:

**Proposition No. \_\_\_\_\_**

**HOME RULE CHARTER COMMISSION**

**“Shall a Charter Commission be elected to prepare a proposed Charter?”**

**Section 3. Proposition.** The proposition shall be printed on a ballot and the following words shall be added as appropriate and next to a square provided for marking the ballot for voting by hand or machine:

PROPOSITION NO. \_\_\_\_\_      YES  
  
NO

**Section 4. Election of Commissioners.** At the same election, the qualified voters of the City of Wasilla shall elect seven Charter Commission Members from candidates who have been nominated in accord with AS 29.10.040. At this election, a voter may vote for not more than seven candidates.

**Section 5. Charter Commission Candidates.** A Charter Commission candidate is nominated by a petition signed by at least 50 registered voters of the city. Nominating petitions must be filed with the city clerk between July 17 and July 28, 2000 from 8 a.m. to 5 p.m. Monday through Friday.

**Section 6. Qualification of Charter Commission Candidate.** A Charter Commission candidate must have been a qualified voter in the city for at least one-year immediately preceding the Charter Commission election.

**Section 7. Seven Nominations Required.** If at least seven nominations for a qualified charter commission candidates are not filed, this ordinance is void and this election will not be held.

**Section 8. Effect of Voter Approval or Rejection.** If the proposition is approved by the voters, then the seven candidates receiving the highest number of votes shall immediately organize as a charter commission. If the proposition is not approved by the voters, the election of commissioners shall have no effect.

**Section 9. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

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June 18, 2004

via EMAIL ONLY

Mr. Ted Leonard  
Director of Finance and Administration  
City of Wasilla  
290 East Herring Avenue  
Wasilla, Alaska 99654

RE: Collection of City Sales Tax after Enactment of Borough Sales Tax  
Our file 505,780.69

Dear Ted:

You have asked whether, if the Matanuska-Susitna Borough (the "Borough") adopts an areawide sales tax, the City of Wasilla (the "City") may collect the sales tax that the City currently levies. I conclude that the City may collect its sales tax once the Borough has adopted an areawide sales tax only if authorized to do so by the Borough Assembly by ordinance.

The City currently levies and collects a tax of 2.5% on sales, rentals and services made in the City. Upon the Borough's adoption of a sales tax, AS 29.45.700(a) will govern the City's levying and collection of its sales tax:

(a) A city in a borough that levies and collects areawide sales and use taxes may levy sales and use taxes on all sources taxed by the borough in the manner provided for boroughs. Except as provided in (d) and (e) of this section, *the assembly may by ordinance authorize a city to levy and collect sales and use taxes on other sources.* (Emphasis added.)

If the Borough levies and collects an areawide sales tax, AS 29.45.700(a) permits the Borough Assembly by ordinance to authorize the City to levy and collect sales and use taxes on other sources. However, in the absence of such authorization by the Borough Assembly, the Borough will be required to collect the City's sales tax under AS 29.35.170(b), which provides that, "Taxes levied by a city shall be collected by a borough and returned in full to the levying city."

Mr. Ted Leonard  
June 18, 2004  
Page 2

The ordinance that authorizes the proposed Borough sales tax does not authorize the City to collect its sales tax. Under this ordinance, proposed Borough Code 3.35.030(E) provides:

(E) In addition to the tax levied by the borough, any municipality within the borough may levy a sales tax in accordance with Alaska Statute and that tax may be on sources other than those taxed by the borough. ***Any sales tax levied by a municipality within the borough shall be reported, collected, and enforced in accordance with the terms of this chapter.*** (Emphasis added.)

Thus, if the Borough's sales tax ordinance is enacted as proposed, the Borough will collect the City's sales tax and return the collected amount in full to the City. To authorize the City to collect its sales tax after the enactment of the Borough sales tax, proposed Borough Code 3.35.030(E) should be revised to read as follows:

(E) In addition to the tax levied by the borough, any municipality within the borough may levy and collect a sales tax in accordance with Alaska Statute and that tax may be on sources other than those taxed by the borough.

Please let me know if we may be of further assistance in this matter.

Yours truly,

BIRCH, HORTON, BITTNER and CHEROT



Thomas F. Klinkner



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June 25, 2004

via **EMAIL** and **FIRST CLASS MAIL**

Mayor and Members of the City Council  
City of Wasilla  
290 East Heming Avenue  
Wasilla, Alaska 99654-7091

Re: Effects of Adopting Home Rule Charter; Our File No. 505,780.74

Ladies and Gentlemen:

You have asked that I describe in general terms what consequences would follow from the City of Wasilla (the "City") adopting a home rule charter. I also understand that you are particularly interested in the effect of adopting a home rule charter on the City's relationship to the Matanuska-Susitna Borough (the "Borough"). I conclude, first, that adopting a home rule charter would not affect the City's relationship to the Borough, except that if the City adopted a home rule charter it could maintain a sales tax structure different from the structure of a sales tax levied by the Borough without the consent of the Borough Assembly. More generally, I conclude that adopting a home rule charter would not by itself expand or reduce the powers that the City is authorized to exercise, but would have each of the following effects:

- Providing the City's voters with more control over the structure of the City government.
- Providing the City's voters with more control over the exercise of the City's general powers.

Each of these effects will be discussed in greater detail below.

**1. Introduction.**

The Alaska Constitution and statutes provide for two general categories of cities. A home rule city is a city that has adopted a home rule charter.<sup>1</sup> The qualified voters of a city

<sup>1</sup> Alaska Constitution, art. 10, §9; AS 29.04.010.

Mayor and Members of the City Council  
City of Wasilla  
June 25, 2004  
Page 2

may adopt a home rule charter in a manner provided by law.<sup>2</sup> A general law city is a city that has no charter.<sup>3</sup> All cities have powers conferred by law (i.e., state statute).<sup>4</sup> In addition, home rule cities have powers conferred by home rule charter, and may exercise all powers not prohibited by law or by charter.<sup>5</sup>

## 2. *The Effect of Home Rule on the City's Relationship to the Borough.*

Most statutes affecting the relationship of the City to the Borough still would apply to the City if it were a home rule city. This is because either (i) the statutes are specifically made applicable to home rule municipalities, or (ii) the statutes require that both the City and the Borough approve changes to the relationship. Thus, the following rules apply to the City whether it is a general law or a home rule city. When the Borough adopts an area wide power, the City may not exercise the power unless authorized to do so by the Borough.<sup>6</sup> The City may transfer a power or function to the Borough (e.g., the operation of the City library) only with the approval of the Borough Assembly.<sup>7</sup> Either the City Council or the voters residing in the City initially must approve the inclusion of the City in a Borough service area.<sup>8</sup> However, once the City has been included in a Borough service area that provides road, fire protection or parks and recreation services, the service area cannot be altered to exclude the area within the City without the approval of the voters in the City and in the remainder of the service area.<sup>9</sup>

One significant exception to this general pattern concerns the autonomy of the City's sales tax structure. If the Borough adopted a sales tax, a general law city within the Borough must uniformly tax the same sources as the Borough, and allow only the same exemptions as the Borough, unless the Borough Assembly by ordinance authorizes the city to

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<sup>2</sup> Alaska Constitution, art. 10, § 9.

<sup>3</sup> AS 29.04.020.

<sup>4</sup> Alaska Constitution art. 10, §7; AS 29.04.020.

<sup>5</sup> Alaska Constitution, art. 10, §11; AS 29.04.010.

<sup>6</sup> AS 29.35.250(b).

<sup>7</sup> AS 29.35.310(a).

<sup>8</sup> AS 29.35.450(a).

<sup>9</sup> AS 29.35.450(c).

Mayor and Members of the City Council  
City of Wasilla  
June 25, 2004  
Page 3

levy and collect its sales tax on other sources.<sup>10</sup> However, a home rule city's sales tax is not subject to this rule. The statute that requires that the sales tax levied by a city within a borough must conform to the structure of the borough's sales tax is not made applicable to home rule municipalities, and therefore does not act as a prohibition on a home rule municipality acting other than as the statute provides.<sup>11</sup>

**3. Home Rule and General Law Cities Have Similar Powers.**

There is little practical distinction between the general powers that are granted to home rule and general law cities. While the Alaska Constitution provides that home rule cities may exercise all powers not prohibited by law or charter, statutes grant powers to general law cities in similar broad terms. All cities "may exercise any power not otherwise prohibited by law."<sup>12</sup> A liberal construction is to be given to the powers of all cities.<sup>13</sup> The courts use the same test to determine whether a city's exercise of a power is "prohibited by law" without regard to whether it is a home rule or general law city. "The prohibition must be either by express terms or by implication such as where the statute and ordinance are so substantially irreconcilable that one cannot be given its substantive effect if the other is to be accorded the weight of law."<sup>14</sup>

**4. Differences That Would Result from Adopting a Home Rule Charter.**

**A. A Home Rule Charter Would Allow the City's Voters Greater Latitude in Determining the Structure of the City Government.**

Title 29 of the Alaska Statutes governs the powers and functions of municipalities. Only certain provisions of Title 29 apply to home rule cities as a prohibition against acting otherwise.<sup>15</sup> Most of the important provisions of Title 29 that do not apply to a home rule city concern the internal structure of city government. Thus, through a home rule charter the City's voters could determine such matters as the number of council members, the

<sup>10</sup> AS 29.45.700(a); *City of Homer v. Gangl*, 650 P.2d 396, 399-401 (Alaska 1982).

<sup>11</sup> AS 29.10.200; *Municipality of Anchorage v. Frohne*, 568 P.2d 3, 5 (Alaska 1977).

<sup>12</sup> AS 29.35.250(a); AS 29.35.260(a); *McCormick v. City of Dillingham*, 16 P.3d 735, 740 (Alaska 2001).

<sup>13</sup> Alaska Constitution, art. 10, §1; AS 29.35.410.

<sup>14</sup> *Jefferson v. State*, 527 P.2d 37, 43 (Alaska 1974); *Gilman v. Martin*, 662 P.2d 120, 124 (Alaska 1983).

<sup>15</sup> AS 29.10.200; *Municipality of Anchorage v. Frohne*, 568 P.2d 3, 5 (Alaska 1977).

Mayor and Members of the City Council  
City of Wasilla  
June 25, 2004  
Page 4

number of votes by which the council may act (either generally or on specific subjects), when and whether the mayor may vote on matters before the council, and the scope of the mayor's veto power.

***B. A Home Rule Charter Would Allow the City's Voters to Impose Restrictions on the Exercise of the City's General Powers.***

As stated above, under the Alaska Constitution a home rule city exercises all legislative powers not prohibited by law *or by charter*. Thus, in addition to the restrictions in state statute on the exercise of powers by a first class city, the City's voters could impose other restrictions on the exercise of the City's powers in a home rule charter. Unlike an ordinance that restricted the exercise of a power by the City, which could be overturned by the subsequent enactment of another ordinance by the Council,<sup>16</sup> restrictions in a home rule charter could be changed or eliminated only with voter approval. Examples that frequently appear in other municipalities' home rule charters include requirements of voter approval to dispose of city property, a limitation on the hours during which the council may meet, and a limitation on city indebtedness to a specified percentage of assessed valuation.

Please let me know if I may be of further assistance in this matter.

Yours truly,

BIRCH, HORTON, BITTNER and CHEROT

  
Thomas F. Klinkner

TFK/cm

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<sup>16</sup> *Miller v. Matanuska-Susitna Borough*, 54 P.3d 285, 292 (Alaska 2002).

## Article 1. Charters

### **Sec. 29.10.010. Municipal charter adoption.**

(a) A general law borough or first class city may adopt a charter for its own government.

(b) [Repealed, § 31 ch 58 SLA 1994.]

(c) At an incorporation, merger, or consolidation election a municipality may adopt a charter for its own government and incorporate, merge, or consolidate as a home rule city, borough, or unified municipality.

(d) A home rule municipality may adopt a new charter.

(e) A proposed charter for an existing municipality is prepared by a charter commission of seven elected members. A charter commission election is called by filing a petition with the governing body or by resolution of the governing body. The petition shall be signed by a number of voters equal to 15 percent of the votes cast in the last regular election in the municipality. The petition shall be prepared by the municipal clerk upon receipt of an application meeting the requirements of AS 29.26.110 except that instead of containing an ordinance or resolution the application shall request a charter commission election. The petition shall be prepared in accordance with AS 29.26.120, except material required under AS 29.26.120(a)(1) and (2) shall be replaced with the question of whether a charter commission shall be formed. The signature requirements of AS 29.26.130(a), (c), and (d) apply to the petition. The completed petition shall be submitted to the clerk who shall deliver it to the governing body with a report of a number of valid signatures determined by the clerk to be on the petition.

(f) The proposed charter for a home rule municipality to be formed by incorporation, merger, or consolidation shall be prepared by the petitioners and filed with the petition to incorporate, merge, or consolidate a home rule city, borough, or unified municipality. (§ 6 ch 74 SLA 1985; am § 3 ch 80 SLA 1989; am §§ 23, 24, 31 ch 58 SLA 1994)

Effect of amendments. — The 1994 amendment, effective August 22, 1994, repealed subsection (b), relating to second class city charter adoptions and rewrote subsections (c) and (f). The 1989 amendment, effective August 30, 1989, added the last four sentences in subsection (e).

**Sec. 29.10.020. Model charters.** The department shall prepare at least one model home rule charter for a city, borough, and unified municipality. The model charters shall be made available to persons interested in filing a petition to form a home rule municipality under AS 29.05.060 or AS 29.06.090. (§ 6 ch 74 SLA 1985; am § 25 ch 58 SLA 1994)

Effect of amendments. — The 1994 amendment, effective August 22, 1994, substituted “for a city, borough, and unified municipality” for “for a borough” in the first sentence, and, in the second sentence, substituted “charters” for “charter,” “form” for “incorporate,” and “municipality” for “borough” and added a section reference.

**Sec. 29.10.030. Initiative and referendum.**

(a) A home rule charter shall provide procedures for initiative and referendum.

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

(c) A charter may not permit the initiative and referendum to be used for a purpose prohibited by art. XI, § 7 of the state constitution. (§ 6 ch 74 SLA 1985)

**Sec. 29.10.040. Charter commission candidates.**

(a) A candidate for a charter commission of an existing municipality shall have been qualified to vote in municipality for at least one year immediately preceding the charter commission election.

(b) A charter commission candidate is nominated by a petition signed by at least 50 voters or the number of voters equal to 10 percent of the number of votes cast in the municipality during the last regular election, whichever is less. A nomination petition shall be filed with the municipal clerk on or before a date fixed by the governing body.

(c) If at least seven nominations for qualified charter commission candidates are not filed, the petition or resolution calling for a charter commission is void and an election on the question may not be held. (§ 6 ch 74 SLA 1985; am § 43 ch 37 SLA 1986)

**Sec. 29.10.050. Charter commission election.** At a charter commission election the voters of an existing municipality shall consider the question "Shall a charter commission be elected to prepare a proposed charter?" and shall elect the members of the commission. If the question is approved, the seven candidates receiving the highest number of votes immediately organize as a charter commission. (§ 6 ch 74 SLA 1985)

**Sec. 29.10.060. Preparation of charter by charter commission.** The charter commission shall, within one year, prepare a proposed home rule charter for an existing municipality. The proposed charter shall be signed by a majority of the members of the commission and filed in the office of the municipal clerk. Within 15 days, the clerk shall have the proposed charter published and make copies available. The commission shall give published notice of and hold at least one public hearing on the proposed charter before the signing and filing of the charter. (§ 6 ch 74 SLA 1985)

**Sec. 29.10.070. Charter election.** The proposed home rule charter for an existing municipality shall be submitted to the voters at an election held not less than 30 days or more than 90 days after the proposed charter is published. The proposed home rule charter for a home rule municipality to be formed by incorporation, merger, or consolidation shall be submitted to the voters at an election held under AS 29.05.110 or AS 29.06.140. (§ 6 ch 74 SLA 1985; am § 26 ch 58 SLA 1994)

Effect of amendments. — The 1994 amendment, effective August 22, 1994, in the second sentence, substituted “a home rule municipality to be formed by incorporation, merger, or consolidation” for “an area in the unorganized borough,” deleted “incorporation” preceding “election,” and added a section reference at the end.

**Sec. 29.10.080. Charter adoption.**

(a) If a majority of those voting in an existing municipality favor the proposed charter or if a majority of those voting to form a home rule municipality by incorporation, merger, or consolidation favor incorporation, merger, or consolidation, the proposed charter becomes the organic law of the municipality effective on the date the election is certified. Thereafter, a court shall take judicial notice of the charter. The new home rule municipality shall file the indicated number of copies of the charter with

- (1) the lieutenant governor - two copies;
- (2) the department - two copies;
- (3) the district recorder - one copy;
- (4) the municipal clerk - one copy.

(b) At the time of voting on the proposed charter in a third class borough, voters shall vote also on whether the borough shall, on adoption of the charter, retain a combined assembly and school board or elect a separate assembly and board as otherwise provided for home rule boroughs. If a combined assembly and school board are approved at the charter election, the assembly serving at the time of the election continues to serve as the assembly and board on voter approval of the charter and until terms of assembly members expire as provided before adoption of the charter. If a separate board and assembly are approved at the charter election, a school board shall be elected in conformity with AS 14.12.030 — 14.12.100 at the next regular election, if it occurs within 90 days of the date of the charter election, or otherwise at a special election within 90 days of the date of the charter election. Expiration dates of terms of school board members elected at a special election shall coincide with the date of the regular election. Until a board is elected and qualified, the assembly continues to serve as the board. (§ 6 ch 74 SLA 1985; am § 27 ch 58 SLA 1994)

Effect of amendments. — The 1994 amendment, effective August 22, 1994, in subsection (a), in the first sentence of the introductory language, substituted “to form a home rule municipality by incorporation, merger, or consolidation” for “in an area in the unorganized borough” and “, merger, or consolidation” for “of a home rule borough.”

**Sec. 29.10.090. Charter rejection.**

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

(b) If incorporation, merger, or consolidation of a home rule municipality is rejected by the voters, the proposed charter is rejected. (§ 6 ch 74 SLA 1985; am § 28 ch 58 SLA 1994)

Effect of amendments. — The 1994 amendment, effective August 22, 1994, in subsection (b), inserted “, merger, or consolidation,” substituted “municipality” for “borough,” and deleted “in an area in the unorganized borough” following “rejected by the voters.”

**Sec. 29.10.100. Charter amendment.**

(a) A home rule charter may be amended as provided in the charter, except that no amendment is effective unless ratified by the voters.

(b) If a charter is amended, the municipality shall file the indicated number of copies of the revised charter with

- (1) the lieutenant governor — two copies;
- (2) the department — two copies;
- (3) the district recorder — one copy;
- (4) the municipal clerk — one copy.

(c) This section applies to home rule municipalities. (§ 6 ch 74 SLA 1985; am § 29 ch 58 SLA 1994)

Revisor’s notes. — Subsection (b) was enacted as (c). Relettered in 1994, at which time former (b) was relettered as (c).

Effect of amendments. — The 1994 amendment, effective August 22, 1994, added present subsection (b).