

Call number: 01-79-06 PT. 1 SIDE B

Name: Name: Local Government

Date and place: 10/16/1976

Summary created by: Varpu Lotvonen

Date of summary's creation: 10/27/15

Notes: Original on 7-inch reel. Master copy on CD.

The recording begins mid-sentence with a man answering to previous speaker, Mike [Harper, see 01-79-06 PT. 1 SIDE A]. The man is talking about local government and state government, unification of local government and its development in rural Alaska.

9:14 [Another man thanks Mr. Chairman and tells about organizing the North Slope Borough that is now a home rule borough.

Another man says he'd like to ask Mr. Hopson if he has experienced any growing pains like the ones that Mr. Marsh talked about with his first class city inside of borough, and what the relationship between their home rule borough and first or second class city is in their area.

Mr. Hopson says that they had 8 communities within the borough when they organized, and one first class city. All the rest were second class. They had some problems especially with the first class city of Barrow and the borough. [Talking about borough's powers and 22 powers in Title 29.]

Another man says that the size of North Slope violated the state constitution and he wonders if the previous speakers could comment on that.

10:36 Another man says that they did envision the possibility of large boroughs. If that hadn't been the case, they would have written out the maximum square mileage. A number of the articles that are provided by law leave it up to legislators to make the necessary decisions. As the speaker recalls, he didn't think that boroughs had to be "this small" to prevent the matter of city and county being divided into counties [?]

He asks Mr. Lott [? Mallott?] to talk about their home rule city and its relation to the constitution.

12:33 Another man [Mallott?] says that the concern of [unclear] local government articles create a unique local government that's purpose was to supplant [unclear talking]. Living in Yakutat has become [unclear]. [Unclear talking about Yakutat and its local government structure that is undergoing some changes due to oil development.]

14:34 [Yet another man says something about natural barriers to boroughs that would be mountains and rivers and that the constitutional delegates were thinking about large boroughs.]

16:57 The speaker mentions that there are 9 boroughs in Alaska, and describes differences in characteristics of Alaska's boroughs, like Anchorage borough. [Unclear talking.]

18:57 [More unclear talking.] A man says that they have a 7 member assembly and that the assembly has had members from different rural villages. Then they had an assembly where they all came from Barrow. [Unclear.]

[Another man says something unclear about interest in meetings in Kenai Borough.] The 17 member assembly in Kenai was difficult to get together and calculating their votes that have different weight to them was difficult as well.

21:01 A man's voice asks Lee Sharp, the legal councilor for Juneau, to talk. Lee Sharp talks about the mode of local government in Oregon State that has overlapping districts and about providing services to rural areas by special service districts.

25:17 All local government powers should be invested in boroughs and cities and to speaker's knowledge, that hasn't really been pursued before.

There's also a question of what is a unified municipal government if all government has to be in cities and boroughs. There might be amendments made to that section if another constitutional convention was to be held.

[Talking about service areas and whether or not annexation is an answer.]

27:46 One more consideration is incorporation of the city, and the speaker has greatest reservations against that. He doesn't see how that would fit in section 2. They want to have a minimum number of local government units and service area is not one of them. It's an administrative unit without an independent governing body but rather an advisory board with no powers while assembly has all the local government powers.

The speaker wonders why they are encouraging creation of additional cities while they are additional local government units [?]

30:38 In Juneau, they don't need full services 30 miles down the road because the population there is small. They have to face the fact that different cities have identities which affects the service area mechanisms.

32:23 The speaker is most concerned about home rule. [Talking about the history of home rule that gives local autonomy to municipalities.]

35:33 [Talking about how to make the home rule law work.] Home rule borough or city may exercise all legislative powers that are not prohibited by law or charter. They are not protected from legislative incursion. [Talking about charters in home rule municipalities and suggestions for limiting their home rule powers so that they couldn't enact civil law or define felonies, but the legislature didn't do that.]

37:52 Talking about what is prohibited for home rule cities by law. Vic Fischer thought that the legislature should be very specific about the prohibitions. Talking about a conflict over a bowling alley in Anchorage that dealt with conflicting statutes and ordinances. The issue was taken to supreme court where it caused an outrage. They looked at how other states had dealt with similar issues, and local activities rule was to solve the problem.

40:41 In old days, there was very restrictive view on municipality powers. In general, the only powers given to cities were those that were essential for carrying out the functions. Section 1 talks about powers of the local government units that would be sufficient for them to not have to go to legislature for problems they could solve themselves.

[Talking about a case in Juneau that created stir over centralized accounting with the school district while the speaker was working at the general assembly.] The speaker wrote an article about that in Alaska Law Review. There was another case in Juneau where home rule power issue was raised, and Supreme Court took the opportunity to announce a new test that is an irreconcilable conflict test.

44:58 The speaker thinks that the test they adopted is good one but the problem is that the test is flexible and can be used for result oriented decisions.

A part of the problem is that local government committee maybe went too far. They have given courts a very difficult problem. One of the solutions is to ask the legislature to expand and limit "this." Legislature has power over home rule municipalities that was taken away from courts.

47:00 The speaker talks more about problems with powers of home rule municipalities.

[End of the recording.]