

MINUTES OF 10/18/67: CORRECTIONS AND ADDITIONS --

The minutes were accepted as submitted.

GREATER JUNEAU BOROUGH CHARTER COMMISSION
MINUTES - 1st Meeting, 10/18/67
JUNEAU, ALASKA

(1) Borough Clerk, Edward Hildebrand administered the oath of office to the following elected charter commission members.

Guy Russo ✓	Mike Grummett
Donald Halsted	Greg Machyowsky
Pat Loken	James DeHart ✓
Ginny Kline	Allan Engstrom
Larry Parker	Ron Saroff ✓
Don Craddick	

(2) Acting Chairman, Guy Russo, called the first meeting of the charter commission to order on October 18, 1967 in the offices of the Greater Juneau Borough.

(3) Acting Chairman Russo called for nominations for the office of Chairman. Mr. Engstrom nominated Pat Loken; seconded by Mr. Grummett. Hearing no further nominations, Mr. Engstrom moved, seconded by Mr. Craddick that a unanimous ballot be cast for Mrs. Pat Loken as Chairman. Hearing no further discussion, the question was called and the motion passed unanimously by voice vote. Mrs. Loken took her seat as presiding officer.

(4) Mrs. Loken called for nominations for deputy chairman. Mr. Machyowsky nominated Ron Saroff for deputy chairman; seconded by Mr. Craddick. Hearing no further nominations, Mr. Machyowsky moved, seconded by Mr. Craddick that a unanimous ballot be cast for Ron Saroff as deputy chairman. The question was called and on voice vote the motion passed unanimously.

(5) The Chairman asked if any other offices should be acted on tonight. Mr. Parker stated that he felt if any other offices were needed they should be taken up when the need arises.

(6) Mr. Engstrom asked that several other subjects be discussed tonite and at this time because he and Mr. Machyowsky had to be dismissed for another meeting at 8:15. These pertinent subjects were: (1) Meeting Place, (2) How Often and (3) When. Mr. Russo moved, seconded by Mr. Saroff that Tuesday night be designated as the meeting night. Mr. Saroff suggested the body decide later on how often--to wait and see what the needs are; special meetings could be called if necessary. Mr. Russo stated he felt every Tuesday would be necessary until they were fully organized, at least for the next four. Mr. Craddick stated he would like one night a month designated as the regular meeting night and let the Chairman call special meetings when needed. Mr. Craddick moved that the first Tuesday of each month be designated as the regular meeting for the Charter Commission; seconded by Mrs. Kline. Hearing no further discussion, the question was called and the motion passed unanimously on voice vote.

(7) Mr. Craddick suggested the commission members who live out the road give their views on the convening time. Mr. Saroff said he felt 8:00 PM would be fine with him and the other members concurred with this. Mr. Russo moved, seconded by Mrs. Kline that 8:00 P.M. be designated as the convening time for the meetings. The question was called and on voice vote the motion passed unanimously.

(8) The Chairman asked the commission their feelings as to the meeting place. Mr. Saroff said he would like to have the meetings held throughout the borough--to have the meetings well publicized in advance so the general public and the commission members would be aware of the meeting place. Mr. Craddick mentioned that they should take into consideration they are using public monies and they should find as economical a place as possible. Mr. Saroff agreed and said they could set the next regular meeting place and check alternate places in the meantime. Mr. DeHart emphasized the need for publicizing the meetings if different spots are chosen and brought out problems encountered along this line when the Borough Assembly was first organizing. Mr. Parker moved, seconded by Mr. Machyowsky that the next regular meeting be held at the Borough Offices. Mr. Engstrom amended the motion to state "that the next meeting be held at the Borough Offices". Mr. Parker and Mr. Machyowsky accepted the amendment. The question was called and on voice vote the motion carried unanimously.

(9) Mr. Saroff asked that two committees be established at this meeting. (1) a budget committee and (2) a committee to establish the by-laws and parliamentary procedure for governing the meetings.

(10) Mr. Engstrom moved that a committee be appointed to draw up a budget for submission to the Charter Commission and to the Borough Assembly. The motion was seconded by Mr. Machyowsky. Discussion followed as to who should do the appointing of the committees. The question was called and the motion passed on voice vote.

(11) Mr. Saroff moved that the Chairman appoint a committee to draw up parliamentary rules and by-laws to be presented to the Charter Commission for final approval at the next regular meeting; seconded by Mr. Machyowsky. The question was called and the motion passed with one nay vote being cast.

(12) Mr. Engstrom moved that the budget committee and the committee to draw up the parliamentary rules and by-laws be appointed by the Chairman; seconded by Mr. Parker. Mr. Engstrom brought out that the committees had to be appointed by someone, the commission as a group could not. He further stated that if anyone wanted to serve on a certain committee, they could state their desires to the Chairman. Mr. Saroff commented that nominations from the floor would be to time consuming. The question was called and the motion carried unanimously.

(13) Mr. Engstrom requested that these committees report to the Charter Commission on the first Tuesday in November. He felt there was ample time for them to come up with some guidelines. The Chairman stated that the next meeting would be the first Tuesday in November.

(14) Mr. Russo requested that the committee on the budget be instructed to purchase the chairman a gavel.

(15) Mr. Machyowsky brought to the Commission's attention that Mrs. Mildred Banfield was present in the audience and that she was the principal mover of the bill in the State Legislature that made it possible for the formation of the Charter Commission, and, therefore the meeting tonite.

(16) Mr. Parker asked that it be noted in the minutes that this the first meeting of the Charter Commission was appropriately held on Alaska Day.

(17) There being no further business the Chairman adjourned the meeting.

Venetta Hildebrand

Venetta Hildebrand
Acting Secretary

MINUTES OF 11/7/67: CORRECTIONS AND ADDITIONS --

Should Read:

Paragraph (10),
Page 2

Add quotation marks after the word "Borough".

GREATER JUNEAU CHARTER COMMISSION
MINUTES - 2nd Meeting, 11/7/67
JUNEAU, ALASKA

(1) Chairman Pat Loken called the second meeting of the Charter Commission' to order November 7, 1967, 8:00 P.M. in the Greater Juneau Borough offices. The following roll call was taken:

PRESENT

Pat Loken
Allan Engstrom
Jim DeHart
Mike Grummett
Don Craddick
Larry Parker
Don Halsted
Ron Saroff
Ginny Kline
Guy Russo

ABSENT

Greg Machyowsky (on vacation-out of town)

MINUTES

(2) The minutes of October 18, 1967 were considered. Mr. Craddick moved, seconded by Mr. Engstrom that the minutes be accepted as submitted. Mr. Parker asked that "This was on the 100th anniversary and significant in this situation" be added to paragraph 16. Mr. Halsted stated he took exception to the title used at the top of the first page and wanted to discuss it. He felt that it had the implication they were to write a charter for the Greater Juneau Borough and if they were to perform their function in an unbiased manner, they would have to disassociate themselves from all the presently established governments. Chairman Loken suggested they take this up under by-laws which also has a title. Hearing no further corrections the question was called and on voice vote the motion passed unanimously, that the minutes be accepted as corrected.

CORRESPONDENCE

(3) Chairman Loken read the following correspondence:

A letter from the Juneau Chamber of Commerce
A letter from the State of Alaska, Local Affairs Director Larry Montgomery
A letter from Joe Henri, Acting City Manager for City of Juneau
A letter from the National Association of Counties

REPORTS OF OFFICERS

(4) There were no reports.

REPORT OF COMMITTEES

(5) Mr. Saroff stated the By-laws Committee was ready to present the By-Laws. Mr. Saroff moved, seconded by Mr. Craddick the adoption of the by-laws.

(6) Mr. Saroff announced that the members of the committee were Guy Russo, Don Craddick, Mike Grummett and Ron Saroff. He further stated that if there were no objections he would read the provisions. Chairman Loken informed the Commission members that amendments could be offered now and also again at the end of the reading. The following amendments were offered on the motion to adopt the By-Laws.

(7) In Article II, Section 2, Mr. Halsted questioned the necessity of the second sentence in that the word "shall" in the first sentence made the second sentence superfluous. Mr. Craddick suggested that by changing the period after the word "Commission" to a semi-colon and adding the words, "provided however that" would clarify the section. Mr. Halsted moved, seconded by Mr. Parker that the period after "Commission" in the first sentence be changed to a semi-colon and the words "provided however that" be added. The question was called and on voice vote the motion passed unanimously.

(8) Article III, Section 2, Mr. Parker moved, seconded by Mrs. Kline that the phrase "committee as a whole" be changed to "commission". Mr. Craddick asked that the word "by" in the first sentence be changed to the word "on". Mr. Parker and Mrs. Kline accepted this amendment. The question was called and on voice vote the motion passed unanimously.

(9) Article III, Section 5, Mr. Parker moved, seconded by Mrs. Kline that the words "may cast" be omitted and the word "has" be inserted. The question was called and the motion passed unanimously by voice vote.

(10) Article VI, Section 2, Mr. Craddick moved, seconded by Mr. Parker that a period be placed between the words "budget" and "identical" and follow this with "The fiscal year shall be identical to the fiscal year of the Greater Juneau Borough. The question was called and on voice vote the motion passed unanimously.

(11) Article VII, Section 3, Mr. Parker moved, seconded by Mr. Grummett that the word "final" in the last sentence be deleted. The question was called and the motion passed unanimously by voice vote.

(12) Article III, Section 2, Mr. Saroff moved, seconded by Mr. DeHart that the Commission rescind their action, except for the amendment, changing the word "by" to "on", changing "committee of the whole" for "Commission". The question was called and the motion passed with (9) yeas and (1) nay recorded.

Mr. Engstrom moved, seconded by Mr. Saroff that wherever "committee as a whole" appears in the By-Laws, be changed to "committee of the whole". The question was called and the motion passed unanimously by voice vote.

(13) Article II, Section 1, Mr. Engstrom moved, seconded by Mr. Russo that the section be amended to read: "Regular meetings of the Commission shall be held on the second and fourth Tuesday of each month at 8:00 O'clock P.M. (The addition being the word "fourth") The question was called and the motion carried with (8) yeas and (2) nays recorded.

(14) Mr. Engstrom moved, seconded by Mr. Russo to amend Article II, section 6 to read as follows: "Attendance at meetings of the Commission, including regular meetings, special meetings, hearings and all other meetings that may be held, constitutes a waiver of any defect of notice"(adding)"unless defect of notice is objected to by a member of the commission". The question was called and the motion passed with (6) yeas and (4) nays recorded.

(15) Mr. Parker asked that Article II, Section 4 be discussed further. He felt that mailing something to someone did not necessarily mean they would receive it and also there was a time lapse to consider. Mr. Parker moved, seconded by Mr. Halsted that the phrase "return receipt requested by certified mail" be added after the phrase, "first class postage prepaid" in the second sentence. Mr. Saroff brought out that return receipts sometime take up to three weeks to get back to the sender which defeats the purpose of the motion. Mr. Parker asked to withdraw his motion with the consent of the second. Mr. Halsted consented and the motion was withdrawn.

(16) Article 3, Section 3, Mr. Engstrom moved, seconded by Mr. Russo that the section be amended to read: "Unless permission shall have first been given by the (striking "Chairman of the Commission" and adding) "unanimous consent of Commission members present"". The question was called and the motion, on voice vote, passed unanimously.

(17) Mr. Parker asked that the title of the By-laws be considered since there was some disagreement voiced earlier in the meeting. Mr. Saroff stated that "Juneau Charter Commission" was the name of a geographical area, not an entity. Mr. Halsted suggested the word area be inserted after Juneau just to avoid any misunderstandings. Mr. Parker suggested the name "Alaska's Capital Charter Commission". Mr. Craddick suggested "Gastineau Area Charter Commission". Mr. Engstrom moved, seconded by Mr. Grummett that Article I, Section 1, and other appropriate sections be amended to read: "Greater Juneau Charter Commission". The question was called and the motion passed with (8) yeas and (2) nays recorded.

(18) Mrs. Kline moved, seconded by Mr. Halsted, that Article VII, Section 4 be deleted from the By-laws. She stated that this was covered adequately in the Act. Discussion followed as to whether the Act covered procedural matters. Mrs. Kline stated that, with the consent of her second, she would change her motion to read: "Unless otherwise provided in these By-Laws, the act of no less than six of..." (striking the words, "the majority of". The question was called and the motion passed with (7) yeas and (3) nays recorded.

(19) Mr. Parker moved, seconded by Mr. Engstrom that Article III, Section 4 be deleted. Mr. Parker stated that after reconsidering the previous action on this section, it was advisable to delete the complete section. The question was called and the motion failed with (3) yeas and (7) nays recorded.

(20) Mr. Engstrom brought out that Article VII, Section 2 now presented a problem. He felt that a majority should be changed to no less than six. Mr. Engstrom moved, seconded by Mr. Russo that the word "majority" be replaced with the phrase "no less than six". The question was called and the motion passed unanimously on voice vote.

(21) Mr. Engstrom moved, seconded by Mr. DeHart that Article VII, Section 8 be amended by adding this sentence after the first sentence in the section: "An executive session may only be called to discuss those matters pertinent to Article IV, Section 4 of these By-Laws."; the remaining portion of the section would remain the same. Discussion followed on the necessity and desirability of the use of executive sessions. The question was called and the motion failed with (3) yeas and (7) nays recorded.

(22) Mr. Halsted moved, seconded by Mr. Engstrom to amend Article VII, Section 8 by deleting the phrase, "a majority of the members" and inserting the phrase, "to no less than six" in the second sentence. The question was called and the motion, on voice vote, passed unanimously.

(23) Mr. Parker moved, seconded by Mr. Russo that Article 7, Section 12 be amended to include October 18, 1967 on the seal. The question was called and on a show of hands, the motion passed unanimously.

(24) Chairman Loken asked if there were any further amendments to the main motion and hearing none called for the question on the original motion to adopt the By-Laws as amended. The question was called and on a show of hands, the motion passed unanimously.

BUDGET COMMITTEE

(25) Mr. Engstrom suggested that as long as they would be having another meeting next week and due to the late hour, the budget committee present their report at the next meeting. Hearing no objections, Chairman Loken so ordered. Mrs. Kline passed out the report to the Commission so they could study it before the next meeting.

(26) Mr. Craddick moved, seconded by Mr. Russo that the Chairman be directed to forthwith order a seal setting forth the terms outlined in the By-Laws and also purchase an inexpensive gavel. The question was called and on voice vote the motion passed unanimously.

(27) Mr. Parker moved, seconded by Mr. Engstrom that the Commission authorize the expenditure of \$30.00 by the Chairman for incidentals. The question was called and on voice vote the motion passed unanimously.

(28) Mr. Engstrom moved, seconded by Mr. Saroff that the meeting be adjourned. Hearing no objections the Chairman adjourned the meeting.

(29) Chairman Loken announced that if there were no objections, the next meeting would be scheduled for the Borough offices. Hearing no objections, so ordered.

Respectfully submitted by:

Venetta Hildebrand
Venetta Hildebrand

MINUTES OF 11/14/67: CORRECTIONS AND ADDITIONS --

Should Read:

- Page 1, Paragraph (5),
line 4 Add quotation marks after "Commission".
- Page 3, Paragraph (9),
line 9 "Mr. Halsted moved" instead of "Mr.
Craddick moved".
- Page 3, Paragraph (11),
line 5 "assessment of districts" instead of
"assignments of districts".
- Page 3, Paragraph (12),
line 4 "Municipal Executive" omitted from
motion.

GREATER JUNEAU CHARTER COMMISSION
MINUTES - 3rd Meeting, 11/14/67
JUNEAU, ALASKA

(1) Chairman Pat Loken called the third meeting of the Greater Juneau Charter Commission to order November 14, 1967 in the offices of the Greater Juneau Borough. The following roll call was taken:

PRESENT

Pat Loken
Allan Engstrom
Jim DeHart
Mike Grummett
Don Craddick
Don Halsted
Ron Saroff
Ginny Kline
Guy Russo

ABSENT

Greg Machyowsky (on vacation-out of town)
Larry Parker

MINUTES

(2) The minutes of November 7, 1967 were considered. Mr. Craddick stated that quotation marks were needed after the word "Borough" in Paragraph 10. Hearing no further corrections, Chairman Loken declared the minutes approved as corrected.

CORRESPONDENCE

(3) Chairman Loken read the following correspondence:
A letter from Joe Henri, Juneau City Attorney re Bond Counsellors
A letter of transmittal from Larry Montgomery, Local Affairs
Director - State of Alaska

REPORTS OF OFFICERS

(4) Mr. Saroff stated he had gone to the Attorney General's office and asked them to look at Title 7 and Title 29 to see if there are any areas of conflict the Charter Commission should be aware of.

(5) Chairman Loken asked the Commission if they felt any further action need be taken on the title of the By-laws themselves. Ron Saroff moved, seconded by Mr. Craddick that the title of the By-laws read "Greater Juneau Charter Commission. The question was called and the motion passed, with one dissenting vote.

REPORTS OF COMMITTEES

(6) Mrs. Kline said the Budget Committee, consisting of: Don Halsted, Larry Parker and Ginny Kline was ready to present the budget. Mrs. Kline presented and reviewed the attached budget for 1967-68 Fiscal Year. The total amount of the budget was \$4,000.00. Mrs. Kline further stated that she would like to advise, the use of the Borough Office for all meetings possible because of the availability to the offices, no rental fee plus the supplies would be stationed there. She commented that she had not discussed this with her committee, that this was her personal opinion. Mr. Saroff asked if the secretarial fee included committee meetings. Mrs. Kline answered that it did not because they felt the committees would not want official minutes taken. Mr. Craddick stated that if they found they needed additional funds, they could ask for a supplemental appropriation. Mr. Halsted stated that he felt the

presentation of a budget to the Greater Juneau Borough Assembly was just a courtesy anyway because by law they are responsible for the Charter Commission's debts. He further stated that the Consultants fees could cover areas of uncertainties involved. Mr. Creddick moved seconded by Mr. Russo that the Financial section of the budget presented be approved. The question was called and on voice vote the motion passed with one nay vote recorded.

(7) Chairman Loken asked the pleasure of the Commission on the Procedure portion of the budget. Mr. Engstrom stated that he felt the By-Laws would be the governing document for all committees of the Charter Commission, and the financial section would cover the budget procedures.

(8) Mrs. Kline asked that their recommendation be changed on the meeting places. She felt they should not rotate because the Commission could set up a library in the Borough Offices, they could have their materials here and informational folders were already set up in the outer office. She further stated that this did not include the necessary public hearings. Mr. Grummett questioned the amount of room for audience participation was great enough in the Borough Offices. Mr. Engstrom asked if anyone had checked the availability of the Multi-purpose Room of the Junior High School. Mrs. Kline replied they had and the place was booked up. Mrs. Kline moved, seconded by Mr. Engstrom that the recommendation to hold all regular meetings in the Borough Offices be approved. Other meetings places suggested were: Harborview Cafeteria, Douglas City Hall, Juneau City Hall, State Legislature Rooms and also look into again if the Multi-purpose Room could be made available. The question was called and the motion failed on voice vote with two yeas and seven nays recorded. Mr. Saroff moved, seconded by Mr. Grummett that the next two regular meetings be held in the Borough Offices. The question was called and on voice vote the motion passed with one dissenting vote recorded.

NEW BUSINESS

(9) Chairman Loken asked the Commission how they would like to handle the sending out of notices, payment of bills, etc. She felt that this could become quite a burdensome job in the future. The second subject she felt should be discussed was proposing a method for getting an outline for what is to go into a Charter. The third subject was the procedure for public hearings. Mr. Saroff commented that he felt a secretary-treasurer would be a good idea to help out with some of the administrative duties. Mr. Engstrom felt the vice-chairman duties would be along this line. Mr. Halsted stated that Sec. 29.85.130 of House Bill 297 sets out when the public hearings are to be held. Mr. Saroff suggested they invite people from various forms of government to the meeting and ask key questions of these representatives in advance so they can be prepared to give sound answers. He further stated that these meetings should be well publicized so the general public will become aware that they are working on the Charter. Some of the special interest groups mentioned for invitations were: Local legislators, Juneau Chamber of Commerce, League of Women Voters, Assemblymen, City Councilmen, etc. Mr. Engstrom suggested that a rough draft be prepared on a form of a charter to get a start. Mr. Saroff commented that a Charter is a declaration of policy. He felt it terribly important the Commission determine the policy of what goes into the Charter. He felt they would get too bogged down if they try to put the language of the Charter into the draft. Mr. Russo stated that most charters

follow a pattern. He felt they should take any charter - make it known publicly that the Charter Commission will be taking a certain section up - ask for suggestions on this section - work with these ideas in writing up these sections; and, just work their way through the whole charter this way. Mr. Engstrom suggested the public hearings be wide open - just announce the legislative portion that would be under discussion - the Charter Commission go into the different areas to get their feelings on the different sections that make up their Charter. Mr. Craddick moved, seconded by Mrs. Kline that the next regular meeting be in the form of a public hearing on a selected section of the Charter to be decided later this evening, plus open session for the benefit of the general public and that this hearing be held in the Auke Bay vicinity. The question was called and on voice vote the motion passed with seven yeas and two nays recorded.

(10) Chairman Loken appointed the following Commission members to a special committee to work on an agenda for the public hearing at the next regular meeting, invitational list, etc; Allan Engstrom, Ginny Kline, Jim DeHart, Don Halsted and Larry Parker.

(11) Mr. Saroff moved, seconded by Mr. Engstrom that the committee consider items: (1) form of executive (2) disposition of existing bonded indebtedness and handling of future indebtedness (3) form of political organization (4) disposition of service areas and or provisions for assignments of districts. Mr. Engstrom stated that he thought this committee was appointed to set up the procedure for handling the meeting. He objected to serving on a committee who actually had to send out the invitations, make arrangements for meetings, etc. He felt a secretary should be responsible for procedural matters. Mr. Russo gave notice of reconsideration of the previous motion stating the reason he voted in favor of the motion was because the sections selected would have no set language but be open. The question was called and the motion failed with one yea and eight nays recorded.

(12) Mrs. Kline moved, seconded by Mr. Grummett that the Charter Commission consider at the next regular meeting which will be a public hearing the first three articles of the Model City Charter. (1) Powers of the Municipality (2) Legislative Body & (3) Municipal Executive. The question was called and on voice vote the motion passed unanimously.

(13) Chairman Loken asked for suggestions on a mailing list. Mr. Engstrom moved, seconded by Mr. Saroff that the Chairman with the aid of the Commission prepare a mailing list made up of all potentially interested parties. These people would receive notices of all public hearings and any other activities of the Charter Commissions. The question was called and on voice vote the motion passed unanimously. Mr. Craddick said the Commission should let it be known that they welcome people to be put on the mailing list. Other suggestions for publicity were paid ads in the newspaper and radio. Names suggested for the mailing list were: Members of the Juneau City Charter Commission, Members of the Douglas City Charter Commission, Borough Chairmen, Juneau City Manager, Juneau City Councilmen, Douglas City Councilmen, Borough Assembly, the three municipal attorneys, Local Affairs Agency, Juneau Chamber of Commerce, League of Women Voters, Douglas Island Women's Club, Mrs. Mildred Banfield, all law firms in Juneau, School Superintendent, School Board and local legislators.

(14) Chairman Loken asked the Commission to name a location for the next meeting. Mrs. Kline said she would look into the Glacier Valley School as a meeting place. Mr. DeHart stated that Smith Hall in the Chapel by the Lake Church was usually available for meetings. This location, being closer to the Auke Bay area was selected as first choice and Glacier Valley School was chosen as the alternate.

(15) Mr. Russo stated that he had recently rented an addressograph machine and the Commission was welcomed to use it. The plates cost $11\frac{1}{2}$ ¢ each.

(16) Mr. Engstrom asked that it be mentioned in the publicity that presentations at public hearings be given to the Commission in writing. This would be valuable for later discussions and would be appreciated.

(17) Mr. Craddick asked if the By-Laws Committee and the Budget Committee were to be dissolved. Chairman Loken said these two committees would continue but the committee appointed tonight was now dissolved.

(18) Mr. Engstrom moved, seconded by Mr. Russo that the meeting be adjourned. The question was called and on voice vote the motion passed unanimously.

Respectfully submitted by:

Venetta Hildebrand
Venetta Hildebrand
Secretary

MINUTES OF 11/28/67: CORRECTIONS AND ADDITIONS --

Should Read:

Page 2, Paragraph (8) "Borough Act" should be included.

Page 4, Paragraph (11),
last line "this" instead of "his".

Page 4, Paragraph (13), "Mr. Craddick asked Chairman Loken to
first line explain to the public why the Commission
was holding public meetings at the present
time."

GREATER JUNEAU CHARTER COMMISSION
R.R. 1, Box 1416
Juneau, Alaska 99801
586-1676

*File w/
copy of my
presentation*

November 17, 1967

speech

Chairman
Greater Juneau Borough
210 Admiral Way
Juneau, Alaska

The Greater Juneau Charter Commission is holding the first of a series of hearings at the Glacier Valley School multipurpose room on Tuesday, November 28th, at 8:00 p.m. The purpose of these hearings is to receive presentations on all areas to be covered by the charter from any persons interested in making such presentations, and to ascertain public opinion concerning the vital issues and problems in the area in order to develop the factual background necessary to make informed decisions.

Sections under consideration at this meeting will be:

1. Powers of the Municipality

areawide services, service areas, assessment district, indebtedness, general powers.

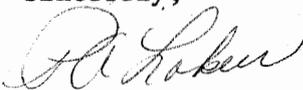
2. Legislative Body-Form of Political Organization

districts vs. at-large elections
operation and functions, terms, procedures, ordinances, etc.

If you would like to make a presentation on these provisions in particular, or in other areas to be covered by the charter, the Commission would appreciate your participation. In order that the Commission might make future reference to individual presentations, we ask that if possible they be submitted in writing either prior to the meeting date or at the beginning of the hearing. At the conclusion of the first part of the program on the above items, the discussion will be opened to hear presentations on any other matters concerning the charter.

The Commission is preparing a mailing list of persons interested in receiving written notice of all future meetings. If you know of anyone who might want to be included on this list, please call me at 6-1676.

Sincerely,



Chairman

Chairman's Office

RECEIVED NOV 22 1967

PRESENTATION TO GREATER JUNEAU CHARTER COMMISSION

BY

M. R. CHARNEY, BOROUGH CHAIRMAN, NOVEMBER 28, 1967

Members of the Greater Juneau Charter Commission:

I am Myrton Charney, Chairman of the Greater Juneau Borough, and I have prepared a statement regarding the two sections you have under consideration tonight. Copies of my testimony will be presented to each of you immediately after I conclude.

The powers of the proposed unified municipality, in my opinion, should be a broad statement allowing the municipality to have all powers other than those explicitly denied municipalities by the State Legislature. Power without limitations, however, is not good either. Therefore, I suggest and propose that limitations be imposed, but that these limitations be confined to procedural delays to insure the public the opportunity to voice their opinions, both pro and con, on additional powers the municipality is considering. The argument can be made that one can always have an election to change the charter, but this method is overly protective and could cause costly delays, frustrations, and administrative and legislative havoc in not being able to immediately satisfy the wisdom and demands of the public.

If the Charter Commission agrees with the aforementioned, there will be no need to stipulate areawide services in the charter - for we will be one government with all allowable powers to adopt or reject as the legislative and executive bodies see fit in their wisdom from time to time.

Provision for service areas and assessment districts, in my opinion, are a must for the proposed charter. Having run for elective office very recently, I had occasion to talk with hundreds of citizens in this Juneau area. I can assure you that it is their wishes, practically unanimously, that the unified government charter provide for service areas and assessment districts. Probably on this one item alone, the charter referendum will fail if these are not provided for. I believe service

areas and assessment districts should be established only by referendum, however, to insure the public that only those services desired by the citizens of an area will be provided. In addition, provision must be made for eventual consolidation of service areas and assessment districts where feasible. Many municipalities in the South 48 are today hamstrung financially because of the enormous overlapping of taxing authorities. I believe they were not in error in originally establishing these separate taxing authorities, but their error came in failing to consolidate as they grew. Now today, they are afraid to tackle such a huge task or else they have no provision to do so.

Regarding indebtedness, I agree wholeheartedly that no debt limitation be placed in the charter. I maintain the public is intelligent enough, especially here in a capitol area, to vote with integrity on bond authorization proposals. If the public wants the particular improvement and is willing to pay the cost, then ladies and gentlemen, let's not prevent them from doing so by placing a provision in the charter restricting their power. A provision placing a debt limitation would be a restriction on the public and not on the legislative or executive branches of the municipality.

As I am sure you are aware, today's bond market is deplorable - and there is no prospect for improvement until the Viet Nam War ceases. Anything which can make our bonds more saleable, inducing lower interest rates should be provided for in the charter. I am not an expert on this matter and I'm sure you will agree that neither are you. I humbly request you then to obtain the professional services of not one or two experts, but of many professionals in each of the fields of financial consulting, banking, and bonding attorneys to come up with a charter provision that will induce integrity, safety, ability, and low debt cost.

Now turning to the next section under consideration tonight, I wish to state that I am in favor of a district organizational makeup of the legislative body. It does not necessarily mean, however, that I propose single member districts of equal population. Personally, I favor larger districts with multi representation. Having run for areawide office like some of

yourselves on the Charter Commission, I'm sure you will agree that it is difficult at the most to run for office, much less emphatically represent all the people at the same time. I believe that a representative from Douglas (say a future service area) will represent Douglas while if it happened that no one was elected from Douglas in an "At Large Election" Douglas would not be represented fairly. I use Douglas only as an example. The same could hold true for every area of the community. One thing I would like to point out, however, that provision for reapportionment of districts must be mandatory and if the legislative body fails to act in a specified time, then provision must be made for the executive branch or some other group, such as a permanent Charter Review Commission to legally perform the reapportionment.

Regardless of whether an elective or appointed executive is part of this Charter, I believe in the strong executive form of government. The legislative branch should be a legislative body with taxing and appropriation control to serve as the check and balance on the executive. The executive branch should be charged with the policy and administration power of the municipality with the power of veto to serve as the check and balance on the legislative branch. We have all seen the State operate now under two different administrations and various political legislative controls. I think we must admit that our state form of government has proven highly successful and our local government should be patterned accordingly.

I further believe the terms of the legislative branch should be for two or three years on a staggered basis in order that continuity will be provided, but at the same time making the legislative branch more responsive to the electorate through short terms.

This testimony has been confined to those sections shown on your agenda for tonight. In closing, I would suggest that prior to having further public hearings that definite proposals on the various sections to be considered, be presented by the Commission, so those of us testifying will have something to go on - either concurring with one or more proposals or disagreeing by showing hidden pitfalls or alternate methods of obtaining the ultimate

goals of all of us. You would not necessarily have to agree with your proposals and you could make more than one proposal on the same subject. I believe this would obtain more interest and public comment - and truly this is what we all desire since the people themselves must provide their thoughts if the proposed Charter is to be acceptable by them in the end. Thank you for your invitation to appear tonight. I look forward to assisting you in any way possible in the future.

GREATER JUNEAU CHARTER COMMISSION
MINUTES - 4th Meeting, 11/28/67
JUNEAU, ALASKA

(1) Chairman Loken called the fourth meeting of the Greater Juneau Charter Commission to order in the Multi-purpose Room of Glacier Valley Elementary School, November 28, 1967, at 8:00 PM. The following roll call was taken:

PRESENT

Pat Loken
Ron Saroff
Allan Engstrom
Guy Russo
Mike Grummett
Larry Parker
Jim DeHart
Ginny Kline
Don Craddick
Don Halsted

ABSENT

Greg Machyowsky

MINUTES

(2) Chairman Loken asked that approval of the minutes of 11/14/67 be held until the next regular meeting.

CORRESPONDENCE

(3) Chairman Loken read a letter from Acting City Manager Joe Henri regarding the contract with the new Juneau City Manager.

PUBLIC HEARING

(4) Mr. Gus Norwood, Totem Park Resident, stated he was not appearing in an official capacity. His previous work was with the Northwest Public Power Association and he had had the opportunity to work with boards such as the Commission on City Charter provisions. His particular field was on utilities. Mr. Norwood further stated that he had sent to the City of Tacoma, and had received in return for his request, their City Charter which he presented to the Charter Commission for their use. He explained that when the Board of Freeholders met to work over the City Commission form of government in Tacoma and converted it to the City Manager form, they decided to have a separate utility board in order to safeguard and divide the work in the operation of their utilities. He said this board made a nationwide study on how other cities handled their utilities and he felt the Tacoma City Charter had a great deal of wisdom to offer on how to handle utilities. Mr. Norwood offered to work with the Charter Commission on this phase of the charter.

(5) Chairman Loken thanked Mr. Norwood for appearing. Mr. Craddick asked Mr. Norwood if his reference to separate utility boards meant that he thought this would be the most equitable way of handling utilities in this area.

Mr. Norwood replied that this was a debatable area - that the International City Manager's Association states that there should be one governing board and a city manager and everyone else work with the city manager. He stated that he agreed with this theory where a small city is involved but differed with this opinion in operating larger cities. He said he felt that even with the City of Juneau they might want to consider the separation of functions with the greater degree of concentration which you would obtain by having a separate utility board. Mr. Craddick asked if this separate board was voluntary or compensated and Mr. Norwood stated it was voluntary.

(6) Mr. Saroff asked Mr. Norwood if he then favored a provision in the charter that would allow the merged municipality to own, operate and/or acquire utility functions. Mr. Norwood replied that sooner or later the merged municipality would have to handle sewer and water services. Mr. Saroff stated that he was thinking more of electrical distribution. Mr. Norwood stated he would have to refrain from taking a position on this because he is the Administrator of the Power Administration and, therefore, had a conflict of interest in this area. Chairman Loken thanked Mr. Norwood for his cooperation with the Commission.

(7) Mr. Myrton Charney, Greater Juneau Borough Chairman stated that he had prepared a presentation on the two sections under consideration for this public hearing - (1) Powers of the Municipality and (2) Legislative Body and Municipal Executive. He further stated that upon completion of his talk, copies would be distributed to the Commission. A copy of Mr. Charney's testimonial in its entirety for the records is attached to these minutes.

(8) Chairman Loken thanked Mr. Charney for his appearance and advice upon completion of his presentation. Mr. Parker read Article 10, Sec. 5 dealing with setting up service areas and asked Mr. Charney if he had given any thought on this section. Mr. Charney said that this setup was possible but when not all municipalities are contiguous but through the years become contiguous, then at that time there would be a provision for consolidation to eliminate overlapping taxing authorities. Mr. Parker, in reference to assessment districts asked if he had meant LID's to which Mr. Charney replied "yes". Mr. Craddick asked Mr. Charney to enlarge upon his recommendation of larger districts with multi-representation. Mr. Charney explained that there might be a district represented by a single representative however a district could be formed on a population basis and that one district could have two or three representatives (but not necessarily) on the legislative body. A district could be formed that was unique in its area and not compatible with adjacent areas that might have one representative. Mr. Saroff asked Mr. Charney if he thought it desirable if the districts, whether multi-member or single member to follow present political boundaries and Mr. Charney replied that he did not feel that present political boundaries should play a part, but that common communities should be considered. Mr. Saroff asked, assuming that Mr. Charney meant that service areas should be established only by referendum, if he thought it desirable to have a provision whereby the legislative body could, if necessary, incorporate a service area citing the Port Chilkoot-Haines situation as an example. Mr. Charney answered "no".

Mr. Parker asked Mr. Charney if he recommended following the election precinct setup being used at the present time and Mr. Charney replied "no". Mr. Parker mentioned that this would complicate the election precincts. Mr. Craddick asked if Mr. Charney had any recommendations as to what size this proposed legislative body should be and how the remuneration might be for its membership. Mr. Charney said he hadn't thought about the remuneration of the legislative body but thought nine to twelve representatives desirable for this size community. Chairman Loken again thanked Mr. Charney for his appearance and help.

(9) Mr. Billy G. Berrier introduced himself as the Borough Attorney but stated that he was not appearing officially on behalf of the borough and that the views he expressed were not the views of the borough officially. He commented that his presentation was based on the sections described in the letter he had received. A copy of Mr. Berrier's presentation in its entirety is attached to these minutes.

(10) Upon the conclusion of Mr. Berrier's talk, Chairman Loken thanked him for his appearance that evening. Mr. Craddick asked Mr. Berrier if he had suggested that the Charter should contain mandatory service area provisions. Mr. Berrier replied that he had not, that he thought the Charter should not create service areas except on a transitional basis, but should be mandatory however that the charter contain provisions to allow the governing body to create service areas. Mr. Craddick then asked if he was correct in his interpretation that Mr. Berrier thought the charter should have a provision to allow state property to be assessed. Mr. Berrier answered "no" and explained that at present, state property is not subject to special assessment, however, at present there is a bill in the state legislature that deals with this and it could have a bearing on this situation. Mr. Craddick further asked Mr. Berrier to elaborate on the handling of service area bonds. Mr. Berrier explained that he felt the municipal body should have the authority to issue service area bonds either on a service area basis with voter approval from the service area, or on a basis that the service area would actually be responsible for the repayment of the bond but the entire municipality would guarantee repayment of the bond, i. e. it would be a full faith and credit bond in which case you would have an election necessarily from the whole municipality. He further commented that he felt both means should be allowed for in the charter. Mr. Saroff asked Mr. Berrier in setting out alternate ways of establishing or organizing the legislative body multi-member, single member and mixture, what his preference was and why. Mr. Berrier replied that his preference was not strong either way - that he could see an advantage in a body like this in having a total election at-large such as the school board. There would be problems that maybe some area would not secure representation but just using the school board as an example, this did not seem as vital. Chairman Loken thanked Mr. Berrier again for appearing and giving his thoughts at this public hearing.

(11) Chairman Loken asked if there were any further formal presentations on (1) Powers of the Municipality and (2) Legislative Body and Municipal Executive. Hearing none, Chairman Loken asked if anyone in the audience had any questions they would like to ask the Charter Commission. Mr. Norwood stated he would like to comment on the service area concept. He felt that the creation of service districts could be brought about by the borough assembly but the tax obligation could be handled as a separate matter, usually by the property owners so you separate the creation of the service area which is the guiding arrangement within the service area, and the people themselves vote on whether they will or will not obligate themselves to a financial obligation. Mr. Halsted asked Mr. Norwood if he meant that the legislative body should have the power to create a district, but, if the people were not willing, the district would not have the power to do anything. Mr. Norwood replied that his is what he meant.

(12) Mr. Norwood stated that he would like to correct a previous statement also. He said that the utility boards he was acquainted with were compensated with usually a minimum of \$10.00, most of them \$25.00 and had seen some as high as \$50.00 per evening.

(13) Mr. Craddick asked Chairman Loken to explain why the Commission was holding public hearings at this time. Chairman Loken read Sec. 29.05.130 setting out the provisions for requirements of public hearings of the Charter Commission. She further explained that there would be two more hearings - one in the City of Douglas and one in the City of Juneau, to fulfil the requirements in that section. She stated that this was the first public hearing and personally felt the hearing had been productive and useful to the Commission.

(14) Chairman Loken asked if anyone else would like to comment on any portion of the Charter. Mr. Craddick asked if anyone present had a comment to make on whether the City of Juneau, City of Douglas or the Greater Juneau Borough should be retained. Mr. Norwood stated that when the State of Hawaii was formed, it favored a minimum number of forms of government. They favored using local improvement districts for the smaller problems. The only change in having one unified government was made several years ago when they voted to again have advisory school boards. They ended up with four units of government for the entire State of Hawaii and they have one of the most economical approaches to municipal government, concluded Mr. Norwood. Mr. Parker asked Mr. Norwood if he was acquainted with the Los Angeles situation and Mr. Norwood replied that he was and that the situation was unique to that area. He further commented that the County of Los Angeles has a County Administrator type of government with a County Commissioner. This county administrator has a whole series of contracts to run that area on. Mr. Norwood stated that he thought it was cumbersome way to run a government and would not recommend this route.

(15) Chairman Loken declared the Public Hearing closed.

(16) Chairman Loken announced to the Commission that she had purchased a seal for the Charter Commission.

(17) Chairman Loken said she was appointing the following two committees to follow up on this public hearing:

(a) Cover organization of governing body including representation on that body.

Don Craddick, Chairman
Jim DeHart
Guy Russo
Ron Saroff
Virginia Kline

(b) Service areas and assessment districts

Mike Grummett, Chairman
Allan Engstrom
Don Halsted
Larry Parker
Gregg Machyowsky

Chairman Loken asked that these committees come back with their recommendations and an outline in a month.

(18) Chairman Loken asked that the remaining two public hearings be set tonite, location and date and subject selected. Allan Engstrom moved that the next public hearing be held at the next regular meeting and that meeting be held in the City of Douglas at a place to be named by the Chairman, preferably the Douglas City Hall and that the meeting be initially a public hearing covering the two topics "Executive" and "Finance (past, present and future indebtedness)" and thereafter be a general public hearing on any subject on the Charter. The motion was seconded by Mr. Saroff and on voice vote the motion passed unanimously. Chairman Loken announced December 12, 1967 as the date and 8:00 PM as the time.

(19) Mr. Engstrom suggested having a short meeting on December 26th and set the next public hearing for January 9, 1968. Ron Saroff moved, seconded by Ginny Kline that the By-laws be suspended and that the second meeting called for under Article II, Sec. 1, calling for meetings on the second and fourth Tuesday of each month need not be called. Mr. Craddick asked for a ruling from the Chair on whether Article VII, Sec 2, allows for the suspension of by-laws of future meetings or whether it is restricted to a particular meeting while it is in session. Chairman Loken ruled that it could be applied to on a future meeting or next regular meeting. The question was called and the following roll call vote was taken:

YEA

Ron Saroff
Jim DeHart
Don Craddick
Ginny Kline
Don Halsted

NAY

Allan Engstrom
Pat Loken
Guy Russo
Mike Grummett
Larry Parker

Motion failed because ^{of} the lack of the required number of affirmative votes to pass a motion, or a majority of six.

(20) Mr. Craddick moved, seconded Mr. Engstrom that the meeting be adjourned. On voice vote the motion passed unanimously.

Respectfully submitted by:



Venetta Hildebrand
Venetta Hildebrand, Secretary

PRESENTATION TO GREATER JUNEAU CHARTER COMMISSION

The statute authorizing unification clearly contemplates that the unified municipality shall be given the full range of municipal powers that both boroughs and cities may exercise under the broad home-rule doctrine allowed in Alaska. The powers of the municipality section of the Charter should follow the format suggested by the National Municipal League and endorsed by the Advisory Commission on Intergovernmental Relations which is a broad grant of all allowable powers. This is not to suggest that an all-powerful government be created but, rather, that limitations are most effective and serve rather than frustrate the general good if limitations are procedural to ensure public notice and participation rather than absolute by a denial of power. From a technical standpoint, failure to grant needed power makes action impossible regardless of the wisdom or the necessity of the proposed action, while procedural limitations act to test the wisdom and necessity of proposed action by allowing time and opportunity for public participation in the decision making process.

Since the government of the unified municipality must be a unitary government, that is, a government whose organizational structure as created by the Charter is such that all of the governmental powers are lodged in the legislative body and the municipal executive, if the values sought by unification are to be attained no provision for area-wide services, except during the transition period, is necessary (while the point of transitional measures is not relevant here and I assume they will be discussed later, it may, nevertheless, be appropriate to point out that carefully thought out transitional procedures in the Charter would be of vast procedural help in the job of translating the Charter blueprint to effective operational government).

Provisions for creation of service areas, on the other hand, are necessary. The authorizing statute wisely requires this and adequate provisions for service areas are mandatory if a unified municipality is to function with anything approximating fairness. The function of the service area is to allow differential taxation in different areas of the municipality based upon what governmental services are available to the area. While the question is not fully settled in Alaska, it is certainly possible that differential taxation would not be allowed even under home-rule powers unless the right to do so is clearly given.

A second large advantage of service areas is the flexibility they give to the local government. Most states, not having such a concept, approach the same goal by creating independent districts to provide special services to areas which require them (a procedure not permissible constitutionally in Alaska). Outside of the great disadvantage of making over-all financial direction impossible, such districts are rigid entities which cannot easily be expanded, changed or abolished as need changes. Should the Charter itself create service areas on other than a transitional basis,

such service areas would by thus being imbedded in the Charter itself, suffer from this same rigidity. The enabling legislation also appears not to contemplate creation of service areas by the Charter but the establishment of a framework for the governing body when it requires that the Charter shall include among its provisions, "provision for the establishment of service areas.....".

The borough has appointed a committee to study service areas and a report has been submitted by the committee after detailed study which should be of benefit to the Commission. Rather than rehash the sound recommendations of the committee, a copy of the report is attached.

The special assessment district can be a somewhat useful adjunct to the service area concept since it allows the costs of a service to be apportioned among the benefited properties in ways not directly related to the value of the property. It further may allow certain properties which are tax exempt, such as churches or governmental property, to be assessed. The present statutes are much too cumbersome and a simpler method should be devised in consultation with bonding attorneys. This method has several disadvantages but, in some circumstances as noted above, it can be useful so that provision should be made allowing its use.

The sections on indebtedness in the state statutes are somewhat comprehensive so that the Charter should deal with this question in a general manner to avoid unnecessary conflicts. One of the great advantages in selling Alaska bonds is the absence of general law debt limitations and the Charter should also contain no such limitations. Debt limitations can usually be evaded by changing the financing method from general obligation securities to obligations secured by revenues only or by other devices. These, however, are generally more costly and with the existing difficulties in marketing Alaska securities because of such things as low population, lack of substantial industry and so on, nothing should be done which will make it more difficult and expensive to market our bonds.

An important consideration is that the service areas bonds be allowed, after proper vote, to be full obligations of the entire municipality. This is essential to marketing, as the Anchorage Borough found out with its Spenard bonds.

The question of who will be eligible to vote in bond elections should be given careful consideration. The present method used by the boroughs under statute which limits eligible voters to property owners whose names appear on the real property tax rolls, is a source of great practical difficulty since the records at the assessor's office are kept and must be kept for taxing and collection purposes and are not readily adaptable to use as voters rolls. For instance, as between the vendee and vendor in a conditional sales contract, who should be eligible to vote on bond elections, are all tenants in common eligible to vote? How about property held by

partnerships or by life tenants and remaindermen? The determination by the assessor as to how the properties are carried on the rolls is made for purposes which have no meaningful relationship to the questions of who should vote in bond elections.

Of course, it is essential that the draft sections on indebtedness be circulated to people in the bonding field including purchasers, advisors and bonding attorneys prior to adoption because this is a highly technical subject where errors can and will, at least increase already high interest costs and at most make issues unsaleable without time-consuming and expensive test cases.

There are several possible methods of representation on the legislative body of the municipality. Only three of these appear feasible here. They are:

1. All single member districts of equal population.
2. Single member districts combined with multiple member districts.
3. At large representation.

The United States Supreme Court has not as yet decided that the "one man - one vote" principal applies to local governments so that it cannot be said with certainty that any other way could be unconstitutional but, in a case such as this where there are no substantial countervailing reasons for disproportionate representation, it would be at least unwise. In any event under the statute it would be illegal.

If single member districts are decided upon, it would appear that a census will be necessary in order to apportion on a population basis since the population data from the City of Juneau does not appear exact enough. Of course, this also applies to mixed districts. It also appears that if multiple member districts are used it would not be possible to use service areas boundaries (for example, the boundaries of the City of Juneau) as boundaries of districts since the service areas exist for other than voting purposes and it would be an unlikely coincidence if such boundaries resulted in a close enough population multiple to meet the "one man - one vote" standard. Of course, elections at large would not involve this problem.

It would also seem wise to have staggered terms on the legislative body in order to have certain continuity in the government. This is done locally in the borough assembly, both city councils and the school board. For instance, a nine member body should have at the first election three members for a one-year term, three members for a two-year term and three for a three-year term.

The possibility of weighted voting exists but, while weighted voting may be the only practical solution in a dual government such

as the borough government, it certainly creates problems and should not be used in a unitary government such as that being created here. Several years experience in the boroughs have demonstrated beyond reasonable argument that unless there are overriding needs for weighted voting it should not be used merely as a short-cut to solve apportionment problems.

Very short terms for members of the legislative body, such as one-year terms, make continuity on the body very difficult because of the possibility of change-over of the entire body or a substantial part. It also takes a newly elected member a certain period to familiarize himself with what has been going on and thus to become as effective as he can be. On the other hand, extremely long terms, five years or more, for example, tend to make the body overly insulated from the public. The question of the term also relates closely to the size of the legislative body. The present three-year term on the borough assembly and school board has apparently worked out well in practice and is particularly useful if a comparatively large body such as nine members is involved instead of a body of five members or less.

The procedures, with certain exceptions, set out in the Model Charter are very similar to those set out in the Borough Act. On the whole, these procedures have worked well, affording a large degree of public protection and a reasonably efficient conduct of business. It is clear from the two contexts that Chapter 20 of Title 7, Alaska Statutes, was written from the Model Charter with well thought-out changes.

The Charter provides that the council shall be the "policy determining" body while AS07.20.010 provides it shall have the "legislative power". The statutory phrase is much clearer and better expresses the intent. The Charter also requires that the legislative body establish departments, offices and agencies, whereas, by the Borough Act, this is an administrative function, as it properly should be since a hard and fast organization structure will, to some extent at least, create a strait jacket in a situation such as the present one where the governmental unit involved departs from tradition and requires the experimentation necessary in effectuating a new form.

The power to make appropriations as set out in the Charter is not adequate in a governmental unit where differential taxation is possible. Additional language is necessary, restricting expenditure of revenues from areawide taxes to areawide functions, from non-areawide taxes to non-areawide functions and from service area taxes to service area functions. Provision should also be made that general administration costs are payable from areawide revenues. Without some such limitation, it is doubtful that the concept of the service area would be acceptable since there would be no assurance that the money raised by the additional levy in the service area formed be spent in a manner directly beneficial to that area. The power to incur indebtedness should, of course, be subject to the same limitations (compare 2.02(3) & (4) to AS 07.14.030 as amended and AS 07.14.040).

The cooperative agreement section in 2.02(6) is much better set out for Alaska in AS 07.15.010(4).

The acts which are required by ordinances in the Model Charter contain a section requiring an ordinance to "convey or lease or authorize the conveyance or lease of any lands of the county". This was originally in the Borough Act and the difficulties in having to use an ordinance for each sale of land was substantial enough that the borough sought and obtained legislative relief. This problem should not be created anew by the Charter which should only require that a formal procedure for sale or lease of land must be created by ordinance.

The suggested ordinance procedure is that adopted by the Borough Act and in practice it has presented major problems to each borough. All of the boroughs have requested legislative relief and CS for HB 57 contains the suggested procedure. Enclosed is a copy of CSHB57, a memorandum to the borough assembly which was approved by the assembly and an explanatory letter to the chairman of the House Local Government Committee. These suggestions have been carefully considered by the people most familiar on a working basis with this procedure and were strongly recommended. The language in the sections on Codes of Technical Regulations relating to amendment as to the substance of codes should be omitted for the same reasons.

This presentation is limited to those sections under consideration at the meeting of November 28, 1967, as set out in your letter. Of course, I am willing to prepare future presentations on any subjects within my field which the Commission may desire and to assist the Commission in any way possible.

Submitted by:



Billy G. Berrier
Borough Attorney

MINUTES OF 12/12/67: CORRECTIONS AND ADDITIONS --

Should Read:

Page 1, 10th line
from bottom

"comme ci, comme ca" instead of "come-see-
come-saw".

Page 6, Paragraph (14), "The motion passed" should be added after
second line the first sentence.

GREATER JUNEAU CHARTER COMMISSION
MINUTES - 5th Meeting, 12/12/67
JUNEAU, ALASKA

(1) Chairman Loken called the fifth meeting of the Greater Juneau Charter Commission to order in the Douglas Council Chambers of Douglas City Hall, December 12, 1967, at 8:00 P.M.. The following roll call was taken:

PRESENT

Pat Loken
Ron Saroff
Mike Grummett
Jim DeHart
Ginny Kline
Don Craddick
Don Halsted
Greg Machyowsky
Allan Engstrom

ABSENT

Larry Parker
Guy Russo

Chairman Loken asked that the minutes show that a quorum was present.

(2) Chairman Loken declared the public hearing on (1) Executive provision and (2) Finance (Past, present and future indebtedness) open.

(3) Bruce Campbell addressed the Charter Commission stating he was a resident of the City of Douglas and had several points he wanted to draw to the Commission's attention; the first being the executive department of the upcoming Charter. He stated he was in favor of the strong manager type of executive and he spoke for many people in Douglas when he makes this statement. He commented that one of the things that did concern him was the past record history of city managers and their quick turnover. He felt their turnover, even in very good managers was much to frequent, and this was a detriment in attracting a good man for the position. He gave the following safeguards to offer protection to a good manager who is doing a good job for the municipality. (1) when the assembly (He explained he would use the word "assembly" for the lack of a better word at this time) reaches the point where they feel they must discharge the manager for any reason, or a variety of reasons, he would like to see the matter come to a vote of confidence of the people. He further explained that if the assembly came to the conclusion that they had to terminate the manager's contract because of policy he felt it should go to the people for a vote of confidence - to either support the manager or the assembly. If they support the manager then it would be up to the assembly to revise their thinking because they certainly wouldn't be in tune with the wants of the public which they are serving; and, if on the other hand the public supports the assembly, then it would be time for a new manager. He again stated that he thought this protection was necessary in order to attract good, qualified men. Mr. Campbell further commented that particularly in this area, minority groups were usually well organized, very loud and made themselves heard. He said that frequently the majority of the people were come-see-come-saw or just don't get out and get heard and therefore, quite often the governing body is led astray by a loud minority. Mr. Campbell concluded by stating that this is all he had on this subject but he did want to make comments on another portion of the Charter. Chairman Loken asked him to please hold comment on other portions of the Charter until after this portion of the public hearing was concluded. Mr. Grummett asked Mr. Campbell if he was speaking ^{in favor} of a hired manager as opposed to an elected manager to which Mr. Campbell replied "yes". Chairman Loken asked Mr. Campbell if he could elaborate on his term "strong manager".

Mr. Campbell explained that it would be a parallel type of government to state government where we have a strong governor where he has authority over all his departments and has the final say in all the matters in the executive branch of government. He stated he was not advocating a split responsibility of executive matters between the assembly and the manager. He felt that if you split responsibility between the assembly and the manager then it is too difficult to fix responsibility because it is spread too thin; and, it was important to be able to fix responsibility in government. Mrs. Kline asked, using the Borough Act as an example, if he felt that the executive provided for in the Borough Act was a strong executive or if a stronger executive should be provided for or one with less powers should be provided for? Mr. Campbell answered that he was not familiar with all the powers in the Act but due to recent developments in the Borough, he thought that the powers of running the executive branch were not completely vested in the chief executive and he believed that the executive should have the final say in matters in the executive branch of the government. Mr. Machyowsky asked Mr. Campbell if he knew how most people felt about the form of executive. Mr. Campbell stated that from the circles of friends he traveled in, and had discussed this matter with, favored the strong central executive form of government. He further stated that he had not talked with anyone who had not favored the manager form of government. Chairman Loken thanked Mr. Campbell for appearing and giving his thoughts to the Charter Commission.

9.3(b)
10.3
you say
(4) Myrton R. Charney introduced himself as the Greater Juneau Borough Chairman and stated that he had prepared a statement on the executive and finance provisions of the Charter. He commented that upon conclusion of his presentation he would pass out copies of his presentation; and, a copy is attached and become a part of these minutes. Mr. Charney, under the provision "finance" deviated from his written presentation and stated that the Attorney General had recently given the opinion that the Charter Commission cannot spread past debt and further commented that he did not agree with that Attorney General's opinion and he would invite the Charter Commission to proceed as he had stated in his written statement, tonight. Mr. Saroff asked Chairman Loken to obtain a copy of the Attorney General's opinion on spreading past debt. Mr. Craddick asked Mr. Charney to elucidate further on his comment on future debt being approved by the whole area even though a particular smaller area would benefit. Mr. Charney said that this was his own opinion - that this was necessary for the salability of bonds, that the full faith and credit of the entire municipality support the bonds. Mr. Craddick asked, that when you say the future debt should be voted on by the whole area, did he mean the whole area should decide on whether or not we would have a \$500,000 bond floated and then the assembly, or somebody else, would decide who gets what part of the \$500,000 in service areas. Mr. Charney replied that it should be clear on the ballot where the tax base is to be established by the legislative body; but, that the whole municipality would vote on the bond issue so that you can obtain the full faith and credit of the entire municipality. Mr. Halsted asked Mr. Charney if he would agree that as you approach the limit of your bonding capacity that the interest rates could be expected to rise. Mr. Charney stated that he didn't believe that this had any bearing on it - that it would ride with the market - that the whole market in total would have a greater bearing on interest rates. Mr. Charney explained that the Greater Juneau Borough

was in a BAA rating group which is the largest rating group in the country and that the Borough was in the lower half of this group and even if we improve our rating we would just rise within that one class. Mr. Halsted stated that borrowing amounts of money certainly wouldn't improve our rating. Mr. Charney commented that spending money for frills may jeopardize the rating but spending money to improve your community would be beneficial to you. Mr. Machyowsky asked Mr. Charney if he knew how the people (general public) felt about a hired executive instead of an elected executive. Mr. replied that he believed, since he was the only candidate to come out in favor of a manager form of government, that the general public was definitely in favor of the manager form of government. Chairman Loken thanked Mr. Charney for appearing before the Charter Commission once again.

4.1
3.8
10.3
11.3
(5) Virginia Blanchard introduced herself as a councilman from the City of Juneau and stated that she came with the plea they include in the Charter the strong manager form of government. She said they had just gone through reviewing many applications for the position of City Manager for the City of Juneau - that they had very qualified men interested in coming to Juneau but that it was not a cheap operation to get a good man. She said they had told each applicant about the local political situation in regard to the merger and the applicants were still very much interested. She further stated that when the Commission begins to write the Charter that they spell out the qualifications of a manager - educationally, experience wise, etc. She stated that she had worked under a manager form of government and it was successful - they had the qualifications specifically written out. Mrs. Blanchard said she thought the manager should have the full responsibility of running the executive part of the government; that she didn't agree with Mr. Charney on the veto power. She further commented that in the finance provision the City of Juneau only had the airport and that there was no bonded indebtedness there so there would be no debt to spread at this time but she felt the areawide thing should be spread in obligation. She stated she didn't believe the whole area should vote on a bond issue for a service area - that some very grave problems could arise if this were the case. She felt that the people of the area to be benefitted should be the ones to obligate themselves, even though the bonds would be underwritten by the whole area. Mrs. Branchard invited the Commission to avail themselves of the Council-Manager Plan put out by the City Manager's Organization. She also mentioned that the Handbook for Councilmen was another fine publication. Chairman Loken thanked Mrs. Blanchard for her advice and presentation. Mr. Craddick asked Mrs. Blanchard if she thought the assembly or board should have the power to impose a service upon an area if they do not do it themselves. Mrs. Blanchard answered that she supposed it possible, especially if they really need that service; but, that if an area is going to pay the obligation they should have the right to the majority vote of the service. Mr. Craddick asked if she felt the same way when it came to a necessity like sewer, using the Mendenhaven situation as an example. Mrs. Blanchard answered that with public health it might be necessary but still felt the people would recognize the need on their own. Mr. Craddick asked if she could advise them of a salary range they might have to offer an executive. Mrs. Blanchard stated that the City Of Juneau has offered the new city manager \$22,000; and, that another applicant had asked \$25,000. She felt that it would be around this range.

h
b
Mrs. Blanchard mentioned that under the finance provision, she also thought that certain strings should be attached to the budget - that maybe it should be a line-item type of budget. Mr. Saroff asked Mrs. Blanchard to verify his understanding that she meant that the legislative body would be the policy maker and the executive would carry out the directives and that this executive would be employed at the convenience of the council. Mrs. Blanchard replied "yes" that she felt the attorneys and the managers should be employed by the governing body and everyone else should be employed by the manager. Mrs. Blanchard concluded by stating that the people she had discussed the elected official verses hired official with had definitely stated they were in favor of a hired manager form of government.

(6) Billy G. Berrier introduced himself as the Borough Attorney but stated that the opinions he expressed were his own. A complete copy of Mr. Berrier's statement is attached and become a part of these minutes. Upon the conclusion of Mr. Berrier's presentation, Mr. Craddick asked Mr. Berrier if he favored the strong hired executive or strong elected executive, and how did he feel the general public felt about this. Mr. Berrier replied that he personally favored the strong elected executive but that in talking with other people found they favored the strong hired executive form of government. Mr. Saroff in regard to Mr. Berrier's statement that he disliked the advice and consent type of commission asked if he felt the same way about separate boards and commissions. Mr. Berrier answered "definitely yes", explaining that when you have an executive - give him the responsibility of running things - and give him department heads that are directly responsible to the public and above all, give him boards and commissions that he can't control - you just couldn't hold anyone responsible. Mr. Saroff asked if Mr. Berrier was also opposed to advisory boards in service areas. Mr. Berrier replied advisory boards, providing they were solely appointed and provided that it was understood explicitly that they were merely advisory wouldn't be that bad, but, didn't prefer even advisory boards even under these circumstances. Mr. Saroff asked Mr. Berrier to explain his statement that requiring an ordinance for supplemental appropriations was cumbersome. Mr. Berrier explained that he meant transfer appropriations. Mr. Saroff asked how he felt on transfers within a department. Mr. Berrier stated that he would leave this to the discretion of the department head with the approval of the chief executive. Mr. Machyowsky asked Mr. Berrier if the Commission should retain the traditional concept of the planning commission. Mr. Berrier answered that he felt they should explaining that the purpose of the planning commission is to take a fantastic burden of detail off the assembly - that even with the planning commission the assembly still spends 25% of its time on planning matters and without the planning commission, could foresee assembly meetings lasting forever. Mr. Craddick asked Mr. Berrier who he would suggest appoint the planning commission and Mr. Berrier answered the strong executive. Mr. Machyowsky asked Mr. Berrier if he felt there wouldn't be some value in establishing in the Charter the qualifications for some department heads rather than leaving it up to the chief executive. Mr. Berrier replied that the idea appealed to himself personally but advised "no" because it just wasn't practical and could become quite binding on finding qualified personnel to fill the offices. Chairman Loken asked Mr. Berrier if he felt the charter should be informative. Mr. Berrier answered "no" that he felt strongly that the group would want to issue information but the charter should be a working document of the government not a public education document. Mrs. Loken asked if he felt that there could be an improvement on the established relationship between the planning commission and the assembly. Mr.

Berrier stated that he felt on the whole the relationship at present is reasonably adequate - that the misunderstanding comes from not understanding thoroughly each other's functions and not the mis-allocation of functions. Mr. Saroff asked if Mr. Berrier felt a hearing officer could substitute for the planning commission. Mr. Berrier replied that he did not because any matter on property that would come up would definitely go into detail. Chairman Loken thanked Mr. Berrier for his appearance once again before the Charter Commission.

(7) Chairman Loken asked if anyone else would like to appear on (1) Executive (2) Finance portion of the public hearing. Hearing none, Chairman Loken asked if anyone would like to appear on any other portion of the proposed charter. Mr. Campbell said he would like to study the greater detail portion he was to appear on tonite and appear again at a later hearing. Hearing no other comments on the public hearing, Chairman Loken declared the public hearing closed.

(8) Chairman Loken stated that the regular business meeting of the Charter Commission was called to order.

MINUTES

(9) Chairman Loken asked the pleasure of the Commission on the minutes of November 14, 1967. Mr. Saroff stated that on page (3) paragraph (11), line (4) "assignment to districts" should be corrected to read "assessment of districts". Mrs. Kline stated that quotes were needed after the word Commission on page 1, paragraph (5), line (4). Mrs. Kline further corrected the minutes by stating that on page (3), paragraph (12) she had omitted "municipal executive" from her motion. Mr. Halsted stated that the minutes should be corrected to read on page (3), paragraph (1) "Mr. Halsted moved" instead of "Mr. Craddick moved". Hearing no further corrections, Chairman Loken ordered the minutes approved as corrected.

(10) Chairman Loken asked the pleasure of the Commission on the minutes of November 28, 1967. Mr. Craddick asked that the minutes include that he wanted the Chairman to explain to the public why the public hearings were being held at the present time on page (4), paragraph 13. Mrs. Kline asked that "Borough Act" be included on page (2), paragraph (8); and, on page (4), paragraph (11) the typographical error making the word "this" be corrected. Hearing no further correction, Chairman Loken order the minutes approved as corrected.

NEW BUSINESS

(11) Chairman Loken asked that the Commission set the subject for the January 9, 1968 public hearing. Mr. Engstrom suggested that those areas left in the model city charter to be covered be taken up at the next public hearing. Mrs. Kline suggested that the publicity place emphasis on the transitional provisions. Mr. Saroff suggested that special emphasis be placed on financial procedures. Mr. Craddick asked that the following four points be discussed and publicized for the next public hearing: (1) transitional provisions (2) financial procedures (3) service districts (4) past, present and future indebtedness. Chairman Loken stated that if there were no objections, she would invite Bob Dupere to appear at the next public hearing on financial procedures. Chairman Loken also asked if anyone had a preference on the meeting place for January 9, 1968. Mr. Saroff stated it should be held in

the City of Juneau and the Council Chambers was suggested. Chairman Loken said she would see if the Chambers would be available, if not, the Commission would be notified.

(12) Chairman Loken stated that she had had a request that the minutes in the future be mailed out because some of the Commission members found it difficult to come in and pick them up. The rest of the Commission members concurred with the idea.

CORRESPONDENCE

(13) Chairman Loken stated she had a letter from Larry Montgomery, Local Affairs Director and a letter from Dick Forrest. She announced that the Commission could get copies of these letters from her.

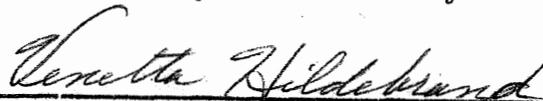
OLD BUSINESS

(14) Mr. Halsted moved, seconded by Mr. Craddick that the By-laws be set aside in order that the December 26th meeting may be cancelled. Mr. Engstrom stated that their committee was having some difficulty-time wise - in getting committee reports ready for the next meeting. Chairman Loken brought out that the next meeting after that was a public hearing and committee reports were a necessity. Mr. Craddick stated that their committee would be ready with a report and if no one else was going to cover the executive portion of the charter, they would like to take it under consideration. Chairman Loken asked that their committee cover this section also. The question was called and the following vote was taken: (6) Yeas and (3) Nays. The motion failed for the lack of 2/3 vote.

(15) Chairman Loken announced that the next meeting would be in the Borough office at 8:00 PM.

(16) Mr. Engstrom moved, seconded by Mr. Craddick that the meeting be adjourned. On voice vote the motion passed unanimously.

Respectfully submitted by:


Venetta Hildebrand, Secretary

PRESENTATION TO GREATER JUNEAU CHARTER COMMISSION
BY
BILLY G. BERRIER, BOROUGH ATTORNEY

December 12, 1967

The announced topics for tonight's hearings are the administration and finances of the proposed unified government. This presentation is confined to these topics.

The first obvious question is whether the chief officer of the municipality shall be a professional manager or an elected chief executive. The arguments on each side are well known to you so I will not go into that question. Equally well known to you is the requirement that the chief officer be given adequate authority to accomplish the job you set for him. The comment in the Model City Charter on page 73, while it directly relates to a manager, is equally applicable in either instance. This comment is: "In the strong mayor and council form, the mayor must have sufficient authority and powers, however, to operate as a genuinely responsible executive or the advantages will be lost, as they all too frequently are. His authority should never be diluted by the assigning of any executive operations to independently elected department heads or to boards and commissions, nor should it be nullified by the requirement that his appointments be subject to the "advice and consent" of the council. Advice and consent, ostensibly aimed at curbing a bad mayor, has more often shackled a good mayor who endeavors to recruit department heads from other cities on the basis of professional competence and is prevented from doing so by provincial, patronage-minded councilmen who insist on the appointment of local residents."

The section on administrative departments in the Model City Charter is, in my opinion, superior to that in the Model County Charter since it does not specifically create charter departments. While it is certainly true that the general structure of the new government can be reasonably anticipated at this time, there is enough novelty in this form of government that its internal organization should be flexible. Additionally, it is so apparent that we are living in an era of rapid change that it has become a cliché to say so. An organizational structure that is entirely adequate now may become outmoded to the extent of being unreasonably restrictive in a few years. For these reasons I recommend that the charter not create departments but leave these for the governing body to deal with as circumstances arise and needs dictate.

Generally, the chapters on financial procedures seem adequate. The provision on supplemental appropriation appear too rigid. Recognizing the statement in the Model City Charter that supplemental appropriations can be the bane of any good budget procedure, properly used they can be an excellent and indeed an indispensable tool to meet situations which were not anticipated at the budget preparation or budget adoption stage. It is true that most situations could be taken care of by a large contingency fund but this operates in silence without public notice and participation and, worst, must be set up without specific knowledge of the needs to be met. This is not to say that a reasonable allowance for contingency is not necessary, it is, but this is just not the way to meet problems involving substantial expenditures not budgeted for. The provision requiring an ordinance to transfer appropriations seems unnecessarily cumbersome.

There is one financial problem that is not anticipated in the Models. This, of course, is the adjustment of existing bonded indebtedness. The statute authorizing formation of the unified municipalities has several sections which need to be considered here. These are:

A.S. Sec. 29.85.120 (a) 1. Provisions for adjustment of existing bonded indebtedness and other obligations in a manner which will preserve a fair and equitable burden of taxation for debt service;

A.S. Sec. 29.85.120 (a) 4. The transfer or other disposition of property and other rights, claims, assets and franchises of the local government to be unified under the charter;

Which need to read with:

A.S. Sec. 29.85.180. Assets and Liabilities. A municipality created by unification shall succeed to all the assets and liabilities of the local governments it unified. A bonded indebtedness incurred before unification shall remain the tax obligation of the area which contracted the debt, except that the tax obligation may be spread over a larger area by vote of the governing body of the unified municipality.

There is an Attorney General's opinion on this subject dated October 2, 1967, which I have earlier called to the attention of the commission and which is attached hereto.

A.S. 29.85.120(4) quoted above seems redundant since A.S. 29.85.180 is adequate to transfer assets by operation of law. However, since the section exists the charter should specifically provide that the unified municipality shall succeed to all assets and liabilities of the existing governments by adoption of the charter without necessity of any conveyances in order to clear away any possible confusion.

The adjustment of indebtedness presents a delicate problem to the commission. One basic is that while the debt may be spread over a larger area, no less than all the property that was within one of the areas contracting the debt must remain subject to taxation to repay the debt unless consent of each holder of any portion of the debt exists. For example, bonds to install sewers in West Juneau issued by the City

of Juneau could not be made an obligation of an area which included less than the present corporate limits of the City of Juneau.

I do not find compelling the reasoning in the Attorney General's opinion supporting his conclusion that: "The plan must not deprive the governing body of its exclusive authority under A.S. 29.85.180 to allow or prevent the spreading of any pre-unification debt capable of being spread under the standard of A.S. 29.85.120(a)(1)." It could, I believe, more convincingly be argued that the apparent conflict in the two sections could be resolved by an interpretation that A.S. 29.85.180 applies only where the charter itself was silent but that the charter itself would have paramount authority. This preserves the concept that ordinances relate to the charter as statutes relate to the constitution. The matter, however, is clearly not free of doubt so that if the commission feels that it is essential that the charter itself allocate specific outstanding indebtedness to specific areas, perhaps a request for an amendment to the statute might be in order. Of course, if the charter commission feels that the charter, as the broad constitution of the proposed municipality, should set standards only in the area leaving specific allocations to the governing body no amendment is necessary.

The charter in either event should spell out the standards for debt allocation. The concept in the opinion that the only conceivable factor for debt spreading is that the fruits of the particular debt in fact benefit larger areas than the area liable for the debt, seems most reasonable.

It might be very useful to allow some form of debt repayment service area to be created. This would differ from the usual service area in that repayment of existing indebtedness would be the only function of such a service area and it would overlap or, in certain cases

possibly coterminous with other service areas. A couple of illustrations will explain the need for such service areas. West Juneau might be logically included in a service area with North Douglas rather than with the portion of Juneau across the channel but it must remain subject to the City of Juneau's debts to avoid unconstitutional impairment of contract. Thane conversely might logically be included in the service area encompassing Juneau, but it might be felt inequitable to include it in the area to be taxed for certain existing indebtedness. Use of the service area for debt repayment would allow operative service areas to avoid being frozen into a pattern dictated by history rather than by reason.

I have presented a copy of this presentation to your Chairman and would be happy to attempt to answer any questions the commission might have. Thank you.

GREATER JUNEAU CHARTER COMMISSION
R.R. 1, Box 1416
Juneau, Alaska

The Greater Juneau Charter Commission will hold its second public hearing on Tuesday, December 12, 1967, in the Council Chambers of the Douglas City Hall, Douglas, Alaska, at 8:00 p.m.

Subjects for particular attention at this hearing will be:

1. Executive
2. Finances - Past and Future

At the conclusion of the hearing on these two items the hearing will be opened to discussion and presentations concerning any other features of the charter.

The Commission would appreciate receiving presentations from anyone interested on this date, and also asks that, if possible, such presentations be in writing for future reference by the Commission members.

If you have any questions, please call me at 6-1676.

Thank you,

Pat Loken, Chairman

PRESENTATION TO GREATER JUNEAU CHARTER COMMISSION

BY

M. R. CHARNEY, BOROUGH CHAIRMAN, DECEMBER 12, 1967

Madam Chairman and Members of the Greater Juneau Charter Commission:

Good evening. I am Myrton R. Charney, Chairman of the Greater Juneau Borough, and I wish to present a statement regarding the two topics appearing on your agenda for this evening. Copies of my presentation will be made available to you after I have concluded.

Although I presently serve as the elected administrative head of the Borough, I firmly believe the proposed unified government should have an appointive manager form of executive. My reasons for such a stand are numerous, and I would like to present them to you tonight.

First, it should be remembered that I was the only candidate for Borough Chairman, out of six, during the recent election campaign to positively state that I would support a manager form of unified government. Obviously we cannot assume this is the prime reason behind the voters decision, but assuredly, it should not be disregarded either.

Second, this last election was admittedly, a contest of ex-state employees - caused by the change of state administration. I believe three of the six candidates were so-affected. Hypothetically had the incumbent chairman decided not to run at the last minute and had there not been a change in state administration, the citizens of this area would have had the choice of only two candidates. Some may deny this possibility, but I conclude that here in the capitol area, at some time in the future, there will be no recent change in state administration and at the same time, an incumbent will decide not to run, and other capable individuals will not terminate their current employment to run. I am greatly concerned that the people of this area will not have an adequate choice of candidates to perform the highly involved duties of chief executive of the unified government. With a manager, the legislative body can go to the open market and obtain the services of the best possible administrator whenever it is necessary to do so.

Thirdly, public reaction to salaries play a big part in attracting capable executives. I think we will admit that most everyone hesitates paying higher salaries to so-called "elected politicians". Therefore, the office will not attract many capable professional administrators unless they are just planning on using it as a stepping stone. This is somewhat

true of managers also, but I believe the tax paying public is more aware that a higher salary is necessary in obtaining a professional administrator. Therefore, I conclude that we the citizens gain by having a higher salary thus inducing better qualified men to seek the position without having to risk the chances of election.

Next, this unified government is eventually going to be quite complex. Everything from airports, harbors, hospital, sewer, water, police, fire protection, roads, health, recreation, taxes, to dog control is going to be administered by this one official. Possibly even libraries and schools. You name it and it could possibly be a function of the unified government. To perform this task, we need a person who has a great deal of knowledge and experience in as many of these functions as possible. It is my opinion we can generally only obtain such a person through hiring rather than electing. No doubt you can all think of exceptions to this in the past where elected officials have proved out exceptionally, but I believe, on the whole, the municipalities of this country that have really been progressive and well administered are those that have chosen the manager form of government.

In addition to the manager form of government, I further believe the manager should be the strong executive type and not just the agent of the legislative body. As I testified two weeks ago before you, I believe the state government pattern should be followed in that the legislative branch is purely that and the executive branch establishes policy within the law and carries it out. The manager should also have veto power and to protect him from reprisals from the legislative body, who under the manager form of government would be responsible for hiring and firing of the manager, provision should be made in the charter that once a manager is hired, it would take a 2/3 or 3/4 vote by the legislative body to terminate him. In this way, the manager can be effective with his veto power, since the same percentage should be stipulated in overriding a veto by the legislative body.

Now turning to finances. Past indebtedness of all three municipalities should be inventoried by the Commission and assigned to either areawide taxing authority or service area taxing authority depending on whether the improvement derived by the indebtedness services the area or not. One thing which must be pointed out, however, is that the existing taxing authority cannot be contracted into a smaller area, however, it can be expanded. As examples, I use the following:

1. Library or Airport debt incurred by City of Juneau should be spread on an areawide basis.
2. Sewer and water debt incurred by City of Juneau should be spread to a service area consisting of the old Juneau unless others are also receiving the benefits of the sewer and water system - then they should also be included in the service area.
3. Sewer and water debt incurred by City of Juneau, but only serves West Juneau, must be spread to a service area consisting of the entire limits of Juneau, unless approval is received by the bond holders to reduce the taxing authority which for all practicable purposes is impossible.

All bonds, regardless of taxing authority, should be guaranteed by the full faith and credit of the entire unified government.

Future debt should be authorized by referendum of the full community to obtain the guarantee of full faith and credit, even though a taxing authority is established for only those who benefit from the improvement. Provision should be made for imaginative and unique assessment methods which can be instituted to meet the unforeseen needs of the municipality.

Regarding other financial provisions, I have reviewed the model charter prepared by the National Municipal League and believe it to be satisfactory for our needs here in Juneau. Thank you.

MINUTES OF 12/26/67: CORRECTIONS AND ADDITIONS --

Should Read:

Page 10, second para- "service area process" instead of "ser-
graph, line 4 vice area jazz".

GREATER JUNEAU CHARTER COMMISSION
MINUTES - 6th Meeting, 12/26/67
JUNEAU, ALASKA

(1) Chairman Loken called the sixth meeting of the Greater Juneau Charter Commission to order at 8:10 p.m., December 26, 1967, in the Greater Juneau Borough offices. The following roll call was taken:

PRESENT

Chairman Pat Loken
Allan Engstrom
Mike Grummett
Don Halsted
Ginny Kline
Greg Machyowsky
Larry Parker
Guy Russo
Ron Saroff

ABSENT

Don Craddick
Jim DeHart

(2) Chairman Loken asked whether there were any corrections or additions to the minutes of the public hearing held December 12, 1967. Mr. Halsted suggested that the last sentence of Item 14 be revised to the effect that the motion passed. Chairman Loken instructed that the minutes be corrected to show that the motion passed. Mr. Engstrom commented that there was a slight spelling error in Item 3, first page, of comme ci, comme ca.

Chairman Loken requested that Mr. Engstrom introduce the new City Manager, Mr. Lehfeldt. Mr. Engstrom introduced Mr. Lehfeldt, and also his partner, Mr. Roger Connor. Chairman Loken stated that Mr. Bill Berrier, the Borough Attorney, was also present for the meeting.

(3) Chairman Loken read the following correspondence:

A letter to Mr. Berrier outlining alternative approaches to city-county consolidation: Baton Rouge, Louisiana; Nashville, Tennessee; and Jacksonville, Florida.

A letter from Don Dickey of the Alaska State Chamber of Commerce enclosing the agenda to a midwestern meeting on modernizing government.

A letter from Richard Myren of the Auke Bay Fire Department enclosing a petition signed by 171 persons, from Service Area No. 1 to the Greater Juneau Borough Assembly, for self-government within the Borough Law. Mr. Engstrom said, "To paraphrase, they want to rule themselves."

(4) Mr. Saroff requested permission to distribute xerox copies to all the members of: Draft of Article I, Powers; Article II, Assembly, and Article III, The Executive; alternative draft of Article III, the Executive; and copy of a memorandum from Don Craddick, Chairman of the Subcommittee, to Chairman Loken, transmitting draft submitted by the committee. Chairman Loken stated that while Mr. Saroff was distributing his material, she would also pass out copies of the By-Laws.

Mr. Saroff requested all members to give a quick look at Mr. Craddick's memo; though the drafts have changed somewhat since then, he remarked that basically the memo still stands. Mr. Saroff continued, he would follow the same format as other reports given to the Commission, reading the sections. He emphasized that the draft was in no sense final or polished, and that he would refuse to quibble over wording and language; it was a broad framework within which they could operate.

Article I. Section 1. Mr. Saroff stated this was a simple declarative sentence, and did not enumerate the powers. Section 2 was merely a statement that the powers should be construed liberally. He remarked that Section 3 was standard for Alaska; the language was a bit cumbersome, but could be straightened out.

Article II. Mr. Saroff commented that some questions arose here, one being the number of assemblymen most appropriate for a unified municipality, 9 or 11. The committee tentatively settled on 11, because they felt with only 9 representation would be spread rather thin. Another point is that the assemblymen shall be elected from districts; areas can be sliced up on an equal and fairly compact basis easier with 11 than with 9 assemblymen. With regard to eligibility and qualifications, Mr. Saroff stated that the committee felt the franchise should be open as broadly as possible, rather than more restrictive. Mr. Parker commented that one of the points Mr. Saroff had not brought out, was that with the one year residency requirement long-term resident Alaskans who went outside for just a year or so and then returned would be able to run again after one year. Mr. Saroff made the point that also a good percentage of the population was civil servants, who would be excluded often by a three-year

residency requirement. With reference to the provision that no assemblyman shall hold any other elective office, Mr. Saroff pointed out that that did not mean a member of the State administration. He said there were two main reasons for this provision: (1) Local government is a demanding area of government which required full concentration; and (2) Dual office would take the officeholder from his constituents, and induce the danger of partisan politics.

With respect to election and terms of office, it was felt by the committee that three years was long enough to get something done and not too long to get stale or tired on the job. Mr. Saroff pointed out that the mayor was also as assemblyman, but elected from the area at large; it was thought this would make the mayor more than a ceremonial official and give him more prestige. With reference to the terms of office for the assemblymen, four - 3 years, four - 2 years, and 3 - 1 year - Mr. Saroff reported the committee decided a random selection would probably be most equitable. The provision that an assemblyman may run for mayor but must first resign his assembly seat was felt desirable, in order to prevent mayoralty campaigns from being launched from the assembly. Mr. Machyowsky pointed out that one disadvantage of this provision was that it might prevent experienced people from running for the office. Chairman Loken commented that this was the council-manager form of government now under discussion. Mr. Machyowsky again said that it seemed to him a sacrifice of talent.

Under (b)(2) of Section 2.6, Mr. Saroff reported there was some question whether the mayor should have the power or pardon violations, or whether the assembly as a whole should have it, or whether anyone should have such power. Mr. Machyowsky stated that it was his belief the provision that cities must provide for recall could be found under Chapter 65, Title 29. Mr. Parker remarked that in the section on filling vacancies, he felt an additional phrase was necessary to indicate the the choice would have to be made from the district to be represented. Mr. Saroff replied that he agreed, he had felt it was not necessary because of earlier provisions, but that he would not object to the phrase being added.

Under Section 2.9, Mr. Saroff reported the committee had discussed the possibility of certain monthly stipends, but had concluded this question was best left to the judgment and wisdom of the legislative body.

Mr. Saroff requested Ginny Kline to go over Section 2.10, Powers. Mrs. Kline reported the committee did not have a recommendation, as it was unable to obtain a majority vote either on the main (city manager) or alternative (mayor) draft. With regard to main draft, she reported

the committee could not come to agreement on whether the powers should be listed, or whether just a simple declarative sentence were best. Two of the committee members felt that for educational purposes and direction to the newly-elected assembly, some of these powers should be listed. Mr. Saroff stated that he represented one of the two members opposed to specifically listing the powers, that he felt a broad grant to the legislative body was all that was necessary; and the question would be asked why are these powers listed, and not others.

On the subject of special meetings, Mr. Saroff stated it was felt that shorter periods of notice than twenty-four hours would be undesirable; that anything so pressing would require an emergency meeting. Mr. Machyowsky asked how that would work, would everyone sit down and declare an emergency in order to meet; how do you define emergency? Mr. Saroff replied that there were no definitions in this section, but that a section on definitions should be drawn up, and that the committee would look to Mr. Machyowsky for assistance in the definition of emergency. Mr. Machyowsky repeated, the group would have to sit down and declare an emergency before they could meet. Mr. Saroff stated this could be important, in other words, the mayor would have the right to call an emergency meeting and the assembly would have the right to ratify this or not. Mr. Machyowsky said this seemed much more workable; that he thought it necessary to define emergency. Mr. Parker commented that most emergency meetings, in his opinion, were concerned with civil defense; and that he felt that the whole subject should be in the civil defense area rather than under the general operation of the city.

Under Section 2.13(a), Boards, Mr. Saroff stated the committee decided the 20-day appeal period was long enough for anyone concerned to appeal before the assembly; and also that the cut-off date was necessary so that the agenda and calendar wouldn't be clogged all along the way. He remarked it may be necessary in this section to add, "Decisions may be appealed by . . . any member of the public" as well. He stated Section 2.13(c) was inserted to make it perfectly clear that the intent is that the administration is centralized with the well-trained manager running things.

Article III, The Executive. Mr. Saroff reported the committee discussed the desirability of setting the executive-administrative requirements of the administrator, but decided not to, that the legislative body in its wisdom can establish and change the qualifications for manager; that the committee felt that if they were written into the charter, the borough would be apt in later years to find itself with a frozen set of requirements. Mr. Machyowsky asked whether this recommendation was made after the public hearing in which admonishment was given to spell out the basic requirements. Mr. Saroff replied Yes, that also the provision for

4.5
suspension or removal was written in after the public hearing. He stated the committee felt it undesirable to create a technocrat who was not responsible to the people. Mr. Saroff stated, with respect to the section on power and duties of the executive, that in the case of the executive it was desirable to spell out the powers and duties, this was "a different animal" from the listing of powers and duties of the legislative body; that he thought as drafted under Section 3.5, there was a reasonably inclusive and clear list of the executive's duties.

3.10
Mr. Saroff then took up the alternative draft to the council-manager form of government; he stated the only sections presented in the alternative draft were those bearing on the different form of government, that relatively few sections would have to be transposed. He pointed out that Section 2.3, Boards, isn't specifically tied to the strong executive form of government; it could also be tied to the council-manager form. He also pointed out that the enumeration of powers for the mayor and for the manager read very much the same. He stated the question which might arise is whether the mayor, under an elected chief executive form of government, should have the veto, and whether it should take two-thirds or three-fourths of the assembly to override it.

Mr. Saroff stated the presentation of the committee was complete.

Chairman Loken called for a discussion of the presentation, to be limited to clarification and general policy direction of the articles as presented; she invited Mr. Berrier and Mr. Lehfeldt to enter into the discussion as members of the meeting. Mr. Engstrom remarked that it was his understanding that these proposals were only going to be presented that night, and were not going to be discussed or thrashed out; he said that in his opinion they required a lot of study before discussion; and he suggested they be dropped for that night. Chairman Loken asked Mr. Saroff if there were any questions or clarification he would like before moving on to the other committee report. Mr. Machyowsky asked how many people were on the committee, who they were, and how the vote divided. Mr. Saroff replied there were five members on the committee: Don Craddick, Ginny Kline, Jim DeHart, Guy Russo, and himself. He said one member had been out of town, and another went on vacation; the committee was hung down the middle and evenly divided on the form of executive, and also on the procedural question of listing of the powers. Mr. Machyowsky asked whether the committee was not passing the buck to the commission, with its alternative draft. Mr. Halsted remarked that it was an "equality report" then, not a minority report. Mr. Parker stated, with reference to Section 2.7(e), that if the mayor is not specifically given the veto power, he does not possess it; therefore he thought this provision unnecessary. Mr. Saroff said he was correct, it did not have to be stated; the policy point was that the

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committee was opposed to a ceremonial mayor having the veto power. Mr. Parker repeated that there was no way the mayor could ever get the veto power unless it were granted him in the charter. Mr. Saroff said he saw no objection to eliminating that provision.

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Mr. Berrier stated there were three rather broad points, two of which were omissions, he would like to bring up: (1) that under the strong executive alternative, it would be necessary to provide the assembly with a presiding officer; (2) that assembly procedures are not spelled out, and that this was essential - how would they pass an ordinance? (3) that quite a few of the provisions listed under meetings were absolutely appalling from a practical standpoint, would create immense problems, and even prove unworkable. He stated that this section would require considerable thinking and work. Mr. Berrier brought up a minor point, that "The assembly may enforce these powers by resort to any court of competent jurisdiction" (Section 2.3(b), might be limiting rather than extending this power.

Mr. Engstrom asked if an election section were added, couldn't much of the material in this article be included under the election section. Mr. Saroff replied that the qualifications, methods of selecting staggered terms, etc. all belong under the legislative section; but as long as the substance is in, he didn't think it important which section it was under. Mr. Saroff said the draft was obviously a "diamond in the rough", that it would obviously be necessary to thresh out major policy questions and considerations. After they were resolved, they could move into a phase of drafting and rewording. Mr. Machyowsky said the additions and deletions and alterations should be discussed on the floor once the draft was out of committee. Mr. Saroff stated that speaking for the committee, they all felt the need for further work, and that agreement on the policy framework and priorities and goals should come first.

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Mr. Machyowsky asked whether the committee considered stipulating specific departments. Chairman Loken replied that this would be part of the next public hearing. Mr. Saroff stated that the committee had discussed this subject; but had felt they should set the framework, that it would perhaps be unwise to get too specific; that it was wiser to leave this up to the future legislative body, to give them flexibility. Mr. Halsted, with reference to Section 2.10(e), stated that it seemed a little broad to include the clerk, the janitor, etc. in this section. Mr. Saroff replied the point was well-taken, there was no intent to include the clerk, janitor, etc., but professional personnel. He also brought up the point of a merit system; he stated the draft did not explicitly state there shall be a merit system, but perhaps it should; perhaps it would even deserve a special article. Mr. Halsted said that it appeared to him some of the provisions might be in conflict with the

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concept of the merit system. Mr. Saroff replied that was true, there could be conflict under several of the sections. Mr. Halsted stated the appointive power is entirely in the hands of the manager. Mr. Saroff replied that the appointive power would be in the hands of the manager within the framework of the merit system; that it was necessary to give the manager this flexibility, the right to select and discharge the people he wants. There would always be the right of appeal to the legislative body. Mr. Halsted stated it was his feeling that the merit system is intended to protect the civil servant from arbitrary dismissal and to assure him some degree of tenure beyond being in favor with a particular manager. Mr. Saroff said he was not in disagreement with Mr. Halsted on that point.

Chairman Loken stated there being no further comment, she would now request the committee on service areas to present its report.

Mr. Grummett stated that he had three separate efforts done by three individual members of the committee; but that Mr. Engstrom in his report had consolidated all the information in the separate reports; therefore, he would ask Mr. Engstrom to read his report.

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Mr. Engstrom stated he had used the chapter of the Borough Act dealing with powers of the borough wherein it makes reference to service areas as a guideline for powers of the municipality, but that it was necessary to expand a little on service areas as such. With respect to Article 2, Section 02, Assessment and Collection, Mr. Engstrom said he made it as limited as possible, but it can be made as broad as the commission wanted by just adding the powers. He said he had added the airport and the library, because he felt they were also area-wide powers. Section 08 states that all powers of the municipality not specified in this Article shall be on a service-area basis; Mr. Engstrom remarked that he could as easily have stated, all are area-wide except those that are specifically service-area. With respect to Article 3, Scope of Non-Areawide Powers, Mr. Engstrom commented this was a creation all his own, from his own imagination.

Chairman Loken inquired whether there were any questions or clarifications desired on this report. Mr. Saroff made the observation that Mr. Engstrom had taken a rather conservative basis, and wondered if this might not involve them in problems. Mr. Engstrom replied that with little change the draft could take a very liberal approach. Mr. Saroff said that with reference to the airport and library, it seemed unduly restrictive to him to list them; that it might be better as a policy matter to allow this determination to be made by the legislative body at a future date; he said

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he could foresee difficulties, and the same would hold true for area-wide and non-area-wide powers. Mr. Engstrom inquired whether he meant no more than the present area-wide powers should be listed. Mr. Saroff replied he did not want in any way to limit future acquisition of area-wide powers; that they might transfer some of the difficulties to service areas instead of the old political entities fighting each other, a very serious problem. Another question to be considered was the delegation of powers of the assembly. Mr. Engstrom replied the point was the assembly has never delegated any powers. Mr. Saroff replied this could lead to proliferation and fragmentation of the government. He mentioned the case of Anchorage, in which he stated the assembly has abdicated its function, and too many service areas have been created. He stated language with more teeth in it should be considered to see that the assembly does exercise its power to review the establishment of service areas.

11-2
Mr. Saroff asked whether there wasn't a contradiction, in that ^{1/8}51% of the property owners wish to challenge the establishment of a service area, they can do so; the question is voted on by a majority of the qualified voters. Either group could defeat the service area. Mr. Halsted replied that one provision protected the property owners, the other protected the common electorate. Chairman Loken remarked that property owners might deny a service desperately needed by the people. Mr. Saroff brought up the mandatory creation of service areas by the borough assembly, as a political question, and the question of the blocking of badly-needed services should be explored. Mr. Halsted stated that if people don't want to buy the services, they shouldn't try to cram it down their throats.

11-2
Mr. Saroff brought up the point that in connection with assessment districts, nothing was said that payment should be in relation to benefits received; that this was a very important principle which should be made clear. Mr. Machyowsky replied that it is stated, but perhaps not clearly enough, perhaps it should be spelled out specifically. Mr. Saroff replied it should be spelled out generally.

11-2
Mr. Lehfeldt stated, as a philosophical approach, there were services which were by their very nature area-wide, such as the airport, also the harbor, and law enforcement. The concept of the service area is for those areas which wish to provide themselves with a higher level of service than neighboring areas want, and are willing to pay the necessary cost can do so. But some services are naturally area-wide, and others only of local interest. Mr. Engstrom stated that police protection was a different story, people out the road might not want to take on the burden of police

11.2
protection. We have provided leeway for expansion of the existing police protection services; the problem is money and whether they want to pay for it. Under this draft they don't have to have anything and pay for anything they don't want. Mr. Lehfeldt stated that his only point was that there may be some areas of service where the municipality may have an obligation to provide service whether the people are willing to pay for it or want it.

11.3
11.4
Mr. Berrier made the point that unification can come about gradually under the system we now have; there was a danger the service area concept might lead away from unification. Mr. Berrier brought up several specific language points: The wording in the original paragraph needs to be rewritten to get the limitation out; with regard to special assessment districts, Mr. Berrier stated the State law is so bad that he thinks fairly detailed provisions will be necessary on special assessments. Mr. Machyowsky replied that the broad provision leaves it up to the assembly and gives it sufficient latitude to come up with something good.

11.2
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11.4
Mr. Halsted stated he thought a limitation on the amount any area can borrow was necessary, considering the concept of guaranteeing repayment under area-wide bonding. Another service concept which perhaps needs more investigation, he continued, is revenue finance services; into this area they might wish to put harbor facilities, airport, and perhaps parking and others. Last but not least, he said, we need far greater limitation on the assessment districts - these have been very, very much abused in the area of sapping the property owners' pocket-book - what we have now does not provide nearly the required protection needed by property owners.

Chairman Loken announced she would be gone for the next two meetings. She stated the next meeting was set for January 9, 1968, in the City Council chambers, and that it would be a public hearing. She also announced she was appointing two more members, Mrs. Kline and Mr. DeHart, to the service area committee. She reminded the members that committee reports would be due on the meeting following the public hearing.

Chairman Loken inquired whether there were any further comments or new business.

11.4
Mr. Machyowsky asked when a service area is established and equipment is purchased, would the equipment be the property of the municipality? Mr. Engstrom replied that the municipality would have to purchase

it, and would have to project use; the cost of the use would be paid by the service area. He stated it was unnecessary to state this in the charter, it was more administrative. Mr. Engstrom continued, an additional problem created was that of existing property ownership, as a transitional measure, how it would be taken care of on unification.

Mr. Saroff stated one thing the commission has not considered so far which perhaps should be in the charter, is the provision of a general obligation-bond umbrella for services. It would be one alternative instead of going through the service area jazz.^x Mr. Engstrom said that it would have to be approved by the general electorate, but in any case, the service area would repay whatever they got. Mr. Saroff agreed, the people who benefit pay; but it does not require a service area.

Mr. Parker moved that the meeting be adjourned. Hearing no objections, Chairman Loken adjourned the meeting at 10:30 p. m.

Respectfully submitted by:



Carol A. K. Anderson

^x Corrected to "process", 1/9/68.