

**BOROUGH ASSEMBLY
AGENDA ITEM
November 22, 2011**

ITEM NO. 9 **BOROUGH CLERK'S FILE:**

Upcoming Dates to Remember

- 11/21 Special Assembly Meeting to Certify Special Election Results @ 7:00 p.m.
- 11/22 Assembly Meeting @ 7:00 p.m.
 Bid Opening for Electric Meters
- 11/24 & 11/25 Thanksgiving Holiday – City Hall CLOSED
- 12/1 Port Commission Meeting @ 7:00 p.m.
- 12/7 Parks & Recreation Board Meeting @ 7:00 p.m.
- 12/8 Planning & Zoning Commission Meeting @ 7:00 p.m.
- 12/13 Borough Assembly Public Hearing @ 6:30 p.m. with Regular meeting @ 7:00
 p.m.
- 12/15 WCVB Meeting @ 6:30 p.m.
- 12/26 City Hall Closed for Christmas Observance
- 12/27-30 City Hall Closure for End-of-Year Maintenance and Archiving

Alaska Constitution

Article 8 – Natural Resources

§ 1. Statement of Policy

It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

§ 2. General Authority

The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

§ 3. Common Use

Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

§ 4. Sustained Yield

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

§ 5. Facilities and Improvements

The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

§ 6. State Public Domain

Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

§ 7. Special Purpose Sites

The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

§ 8. Leases

The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

§ 9. Sales and Grants

Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

§ 10. Public Notice

No disposals or leases of state lands, or interests therein, shall be made without prior public notice and other safeguards of the public interest as may be prescribed by law.

§ 11. Mineral Rights

Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

§ 12. Mineral Leases and Permits

The legislature shall provide for the issuance, types and terms of leases for coal, oil, gas, oil shale, sodium, phosphate, potash, sulfur, pumice, and other minerals as may be prescribed by law. Leases and permits giving the exclusive right of exploration for these minerals for specific periods and areas, subject to reasonable concurrent exploration as to different classes of minerals, may be authorized by law. Like leases and permits giving the exclusive right of prospecting by geophysical, geochemical, and similar methods for all minerals may also be authorized by law.

§ 13. Water Rights

All surface and subsurface waters reserved to the people for common use, except mineral and medicinal waters, are subject to appropriation. Priority of appropriation shall give prior right. Except for public water supply, an appropriation of water shall be limited to stated purposes and subject to preferences among beneficial uses, concurrent or otherwise, as prescribed by law, and to the general reservation of fish and wildlife.

§ 14. Access to Navigable Waters

Free access to the navigable or public waters of the State, as defined by the legislature, shall not be denied any citizen of the United States or resident of the State, except that the legislature may by general law regulate and limit such access for other beneficial uses or public purposes.

§ 15. No Exclusive Right of Fishery

No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State. This section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State. [Amended 1972]

§ 16. Protection of Rights

No person shall be involuntarily divested of his right to the use of waters, his interests in lands, or improvements affecting either, except for a superior beneficial use or public purpose and then only with just compensation and by operation of law.

§ 17. Uniform Application

Laws and regulations governing the use or disposal of natural resources shall apply equally to all persons similarly situated with reference to the subject matter and purpose to be served by the law or regulation.

§ 18. Private Ways of Necessity

Proceedings in eminent domain may be undertaken for private ways of necessity to permit essential access for extraction or utilization of resources. Just compensation shall be made for property taken or for resultant damages to other property rights.

Special Election – November 15, 2011

A special thank you goes out to election workers: Sarah Merritt, Kimberly Flores, and Karen Lockabey; and to the Nolan Civic Center employees and Public Works Department employees. You are the best!!!

Alaska Association of Municipal Clerks Conference

The AAMC Conference with this year's theme, "The Power Within" held in Fairbanks went very well. We held a Nuts & Bolts class for first-time clerks, along with an Advanced Academy Seminar given by Dr. Alan Zimmerman, Speaker Hall of Fame, on "Take This Job and Love It!"

On Monday, November 7th, we opened the Conference with a Mentoring Breakfast for all clerks, and went right into Elections, Working with the Media, Open Meetings Act, and a visit from Lt. Governor Treadwell.

On Tuesday, we had speakers on Parliamentary Procedures, CMC & MMC Designations, Coffee Talk, and the Alaska Public Offices Commission.

Our new AAMC President is Kacie Paxton, Borough Clerk, Ketchikan Gateway Borough. Laurie Sica, Borough Clerk, City & Borough of Juneau, was honored with the prestigious Clerk of the Year award.

I was asked to be this New Year's Mentoring Committee Chairperson, which I accepted. I also signed up to be on the AML Assistance and Education Committees as well. It's going to be a very busy year.

UNTIL NEXT TIME...

Happy Thanksgiving to all of you!!!

