



Office of the Borough Mayor

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Charlie Pierce
Borough Mayor

Dear Mayor's and City Managers:

November 19, 2021

This issue regarding the borough's planning commission has taken on a life of its own. The borough and the cities should be partners. Our goals and interests are shared. Squabbles over the borough's planning commission are not in anyone's best interest. Toward that end I want to provide some context and perspective for the decisions related to the borough's planning commission.

Membership/Appportionment of Seats

When our staff started looking at the issue of membership and apportionment on the borough's planning commission the objective was to work with the ordinances on the books to figure out a way for five home rule or first-class cities to share four allotted city seats. Under the rotation idea, every other year, two cities would face expiring terms and the borough mayor would then have to pick the city that stays on for another three-year term and the city that rotates off. It was apparent that the rotation of city seats was not a viable long-term solution.

The next logical solution working within current code was to discuss with Homer and Seldovia the idea of sharing a seat, with Homer looking out for and always considering the interests of the residents and city of Seldovia. The solution seemed to encourage comity, intergovernmental sharing of powers or services, and efficient cost-effective government. Both cities made it clear, however, that they were not interested in that solution. In the process I learned that the cities are very protective of borough planning commission seats. Frankly, I still am trying to learn exactly why that is because my understanding is that the cities control all zoning and development within the cities. When our planning commission wrestles with controversial issues, it typically concerns local option zones or material site permit issues in the areas outside of the cities. Nonetheless, and despite Ordinance 2016-25 reducing the allotted city seats from five to four, it is apparent that every home rule or first-class city in the borough expects to have a seat on the borough's planning commission.

Ordinance 2021-40: Moving to a 13-member commission

Alaska statute requires proportional apportionment of seats based on population. Based on current population figures the borough's total population is 58,799. The aggregate population residing in the cities is 20,240 and the population outside the cities is 38,559.

Based on population figures, we have determined that the required allocation rounds to about 1/3 of the seats being city seats and 2/3 of the seats being at large seats. State law requires at least a 5-member commission. For example, if the commission was a 5-member commission, the allocation would round to: two city seats and three at large seats. If it is a 9-member commission, the allocation would be: three city seats, six at large seats. As such, stating that state law mandates that all first-class cities or home rule cities have a seat on the borough's planning commission is not an accurate representation of state law. The current ordinance on the books does not allot each city its own seat and that ordinance has not been challenged.

List of Recommendations

There has been an excessive amount of back and forth over what constitutes a “list of recommendations”. State law purposefully set up a system of checks and balances and purposefully used the phrase “list of recommendations” in the plural. Under state law, the respective city council submits an approved list of recommendations, the mayor makes an appointment decision from the list of recommendations, and then the appointment is subject to assembly confirmation. In recent history an appointment was submitted to the assembly for confirmation and that appointment was not confirmed by the assembly. That is the power vested in the assembly by state law.

The power vested in the borough mayor under state law is the executive appointment power. By sending only one name the cities are failing to respect the borough mayor’s appointment discretion. We could argue about that back and forth but the fact remains that the borough mayor is vested executive appointment powers. I am respectfully asking that you respect the office of the mayor and provide me with choice: a list of recommendations, plural.

The Notice and Application process should be handled by the Borough

As I have stated all along, I have no intention of subverting the city’s process in providing a list of recommendations for appointment. The purpose of the borough handling the notice and application process is that the borough’s planning commission is a borough function. The borough handles the notices and applications for all the borough’s boards and commissions. This ensures (1) a consistent and uniform approach to the process for filling a vacancy on the borough’s planning commission; and (2) that the borough has the records it needs to preserve and be able to publicly disclose for public record act purposes. You have to admit it is bizarre that the KPB would handle the application process for all other borough boards and commissions, including all the planning commission’s at large seats, but not the city seats.

ALL applications that are received for a city seat will be sent to the respective city. The city will vet the applicants and then send back a list of recommendations as approved by the council. The borough will not pre-vet any applications. The cities handle such process for all city boards and commissions; it is common sense that the borough should do the same.

The borough handling the process for the borough’s planning commission will ensure consistency, transparency, and should expand opportunities for all qualified residents of the borough to engage in public service. The community is better served when public service is open and accessible to all who are interested. I hope the added benefit from centralizing the application process moving forward is that all residents will know exactly how, when, and where to apply. Putting forward only elected or appointed officials in city government creates a closed club and thus disenfranchises other borough residents from public service. My sincere hope is that you can open your consideration to candidates beyond current council members, city mayors, or city planning and zoning commissioners. Pyramids of power are not good for the public’s confidence in its systems of government. We need to open up public service and look beyond our inner circles because additional skilled, dutiful volunteers to serve.



Charlie Pierce
Mayor