

High Court Rules Vote Is Proper

Residents of the now-defunct Eagle River-Chugiak Borough were excluded rightly from voting in the Anchorage Charter Commission election last February, the state Supreme Court has ruled.

In upholding a Superior Court decision, the high court ruled that since the separate borough appeared to be valid in February, residents were not entitled to vote in the election.

"To hold otherwise would be tantamount to holding that residents of the Fairbanks North Star Borough, who are denied the right to vote in Anchorage area elections, are entitled to injunctive relief," the Supreme Court's opinion said.

A separate Eagle River-Chugiak Borough was formed in September 1974 after the legislature that year had passed an act authorizing such action. But last April, the Supreme Court ruled that law was unconstitutional and that the new borough automatically became, once again, part of the Greater Anchorage Area Borough.

Before the high court decision last April, though, Anchorage borough residents voted to form a charter commission to draw up a charter for proposed city-borough unification.

The 8,500 residents of the Chugiak and Eagle River area contended that by not voting in the charter commission election, they were effectively kept from having a voice in what was to be their government.

Not so, the Supreme Court said in its opinion Monday.

"The separate status of the Eagle River-Chugiak Borough had apparent legal validity" when the February election was held, the court said.

"Governmental actions based upon the apparent legality of the Eagle River-Chugiak Borough, such as decisions as to what geographical areas are within the Greater Anchorage Area Borough for purposes of elections, should not be voided if carried out in good faith."

"Both residents of the Eagle
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River-Chugiak area and the residents of the Greater Anchorage Area Borough patterned their actions on the assumption that two separate political entities were then in existence."

The court's April decision did not invalidate any Anchorage borough actions taken during the time the new borough was in existence.

"Any other decision would create a basis for challenges to every act carried out under the authority of the Greater Anchorage Area Borough which was based on the premise that the Eagle River-Chugiak area had attained a separate and

independent legal status," the court ruled in the opinion written by Chief Justice Jay Rabinowitz.

Board To Mull Borough

The Local Boundary Commission is expected to decide tomorrow whether to give the Chugiak-Eagle River area another chance to become a borough.

The commission will meet at 9 a.m. in Room 426 of the MacKay Building at 338 Denali St.

Lee Jordan, editor and publisher of the Eagle River Star, is a prime sponsor of the petition which is being considered by the Local Boundary Commission.

Jordan was mayor of the Chugiak-Eagle River borough before it was dissolved last April when the Supreme Court ruled that state legislation paving the way to its incorporation was illegal.

The Chugiak and Eagle River area is now under the auspices of the Anchorage municipality.

"We are going to sit down and deliberate very carefully on this question before us and then reach a decision on its merits," said Sigvald Strandberg, chairman of the commission.

During a public hearing concerning the petition for a borough in late October, residents of the Eagle River area spoke overwhelmingly in support of independence.

Strandberg said prior to the hearing that public input would weigh heavily in the commission's final ruling.

In making a ruling tomorrow, the commission can deny the petition or allow the question to go to a vote. The commission may have the power to declare a borough outright.