

----- Original Message -----

From: "Dan Bockhorst" <dan_bockhorst@dcad.state.ak.us>

To: "Glen Thompson" <gthompson@akpacific.com>

Cc: "Ketchikan Charter Commission" <charter@kpunet.net>

Sent: Wednesday, March 31, 2004 9:54 AM

Subject: Re: Ketchikan Charter Commission: Saxman

Glen: The LBC made a total of six amendments to the Charter that had been recommended by DCED. The petitioner (City of Ketchikan) had endorsed those amendments. [Those amendments are attached to this document as **ATTACHMENT A**]

The amendments are addressed in DCED's Preliminary and Final Reports on the 2000 consolidation petition and the LBC's decisional statement. All of those materials and other materials relating to the prior consolidation proposal are posted on the Web at <http://www.dcad.state.ak.us/dca/lbc/ketchikan2.htm>

If you do not already have those documents and want a copy in printed and/or electronic formats (MS Word or Adobe Acrobat pdf) let me know.

I have attached an excerpt from the LBC's decisional statement regarding the 2000 consolidation proposal that deals with the Charter amendments. The Commission amendments had the effect of formally modifying the Charter presented in the petition.

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Glen Thompson wrote:

Dan:

I believe this is the first time I've seen LBC commentary on the various articles in the Charter. Are there more documents like this that we've missed reviewing? After a quick read, I don't think the language in the final 2000 Charter document was that proposed by LBC?

Glen

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From: "Dan Bockhorst" <dan_bockhorst@dcad.state.ak.us>

To: "Glen Thompson" <gthompson@akpacific.com>

Cc: "Steve Schweppe" <STEVES@city.ketchikan.ak.us>; "Scott Brandt-Erichsen"

<boroatty@borough.ketchikan.ak.us>; "Ketchikan Commission"

<charter@kpunet.net>

Sent: Wednesday, March 31, 2004 8:38 AM

Subject: Re: Ketchikan Charter Commission: Saxman

Glen: Attached is a review of the issues raised regarding the 2000 proposed Charter provisions relating to the City of Saxman. [**SEE ATTACHMENT B** to this document]

In terms of paying for areawide services, the territory within the corporate boundaries of the City of Saxman would be subject to the same areawide borough taxes and fees as all other parts of the borough.

Regarding the option for differential sales taxes, it is permissible to do so. Such was proposed in the 2000 consolidation petition. That petition proposed that the consolidated borough would levy a 3% areawide sales tax and an additional 2.5% Ketchikan Service Area sales tax.

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----- Original Message -----

From: "Scott Brandt-Erichsen"

To: "Glen Thompson"

Sent: Wednesday, March 31, 2004 8:54 AM

Subject: RE: Ketchikan Charter Commission: Saxman

To a certain extent you are restricted by the terms of the initiative. I do not think there are insurmountable problems with the section as written, but revision could be advantageous. I believe that the catch all references to services provided prior to consolidation were included because there was concern about a list of either what Saxman provides, or what services the Borough provides to Borough residents who live in Saxman, inadvertently leaving something out.

The restriction to services currently received does create some limitations. If, for example, you wanted fire or EMS service to be areawide, or Sewer or garbage to be areawide, you won't really have them areawide because Saxman will be excluded. A good model for how to protect Saxman's independence, but to allow for the functioning of areawide powers covering the same issues would be the way economic development powers are used. I.E. the Borough has areawide economic development powers but the Cities of Ketchikan and Saxman have power to exercise economic development powers so long as they are not inconsistent with the Borough.

Arguably, paying for the services they receive is implied and need not be stated. It may be advantageous to clarify that the charter section does not mean that persons living in Saxman will be exempt from taxes or charges levied to provide areawide services.

Additionally, I recommend that the section include a procedure for Saxman to transfer or give up a power to the areawide municipality. A model for this can be seen in AS 29.35.310.

Sec. 29.35.310. Transfer by city.

Statute text

(a) A city in a first or second class borough may transfer to the borough in which it is located any of its powers or functions, subject to the approval of the assembly.

(b) A first or second class borough shall exercise all powers transferred to it by a city.

This section is written to address general law rather than home rule boroughs. As a result, it will not automatically apply to a new home rule municipality, and you should include similar provisions if you want to be sure that this procedure for Saxman to transfer powers may be used. You would have leeway to modify it to allow transfer either by ordinance of Saxman or by a vote of Saxman residents and then approval by the Assembly.

In the absence of some set procedure for powers to be transferred you run the risk of folks who do not want the areawide government to be responsible for the Saxman area arguing that a vote to amend the charter would be required in order to alter the allocation of powers in the Saxman area.

I think the most significant situation you want to avoid is if Saxman ceases to provide fire, sewer, water, or EMS services to its residents and the areawide municipality is unable to provide those services within the Saxman

boundaries without an areawide voter approved amendment to the charter.

This can be solved either by giving the Areawide municipality the power to step in without a charter amendment if Saxman stops doing it, or by giving

Saxman the authority to accomplish a transfer or surrender of one or more powers by action of Saxman and the Assembly.

Scott

~~~~~  
Glen Thompson wrote:

The commissioners wanted me to ask the three of you to comment on the article regarding Saxman. It really doesn't say much and we were actually wondering why it was in there at all? One thing it does say is that Saxman will continue to receive area-wide services that they received before consolidation but it doesn't address whether they will be required to bear any prorata cost for those services.

As always, your insight would be most appreciated.

On a side issue: A commissioner questions whether an area-wide sales tax can be prorated to service areas based on specific criteria?

Thanks again

Glen Thompson, Chair

ATTACHMENT A

M. Recommended Amendments to the Proposed Charter of the Municipality of Ketchikan.

After reviewing the Petition, comments on the Petition, and the City's reply brief, DCED recommended in its Preliminary Report that six amendments be made to the proposed Charter of the Municipality of Ketchikan. Those same recommendations were carried forward in DCED's Final Report. DCED's recommended amendments are set out below (new text is underlined in bold type and deleted text is capitalized and bracketed).

Amendment Number 1

Amend the title of ARTICLE XII to read:

**[SERVICE AREAS AND]AREAWIDE, NONAREAWIDE, AND SERVICE
AREA POWERS**

Amendment Number 2

Amend Section 12.01 to read:

**Section 12.01 Areawide[AND NON-AREAWIDE], Nonareawide, and
Service Area Powers.**

Except as otherwise required by this Charter or by applicable state law, all powers of the Municipality may be exercised on an areawide, [NON-AREAWIDE] nonareawide, [OR]service area, or other basis.

Amendment Number 3

Amend Section 12.02 to read:

Section 12.02 Mandatory Areawide Powers.

In addition to all other powers that the Municipality may exercise on an areawide basis, the following powers shall be exercised on an areawide basis:

(a) The power to dispose of solid waste, whether through recycling, landfilling, shipping, or any other means, and the power to operate, maintain, monitor, remediate, repair, or remove landfills, including those previously owned or operated by the City of Ketchikan, whether or not such landfills were in operation or were closed on the effective date of this Charter;

(b) The power to provide public libraries, civic centers, museums, and associated services;

(c) The power to provide for hospital and public health services, including, but not limited to, those services formerly provided by the City of Ketchikan's Gateway Center for Human Services. The power to provide emergency medical services shall be exercised as provided in Section 12.07;

(d) The power to provide public parks and recreation facilities and to provide recreational activities;

(e) The power to provide port and harbor facilities and services;

(f) The power to provide cemetery and mausoleum services;

(g) The power to provide 911 emergency dispatch services;(h) The power to provide public transportation systems, including, but not limited to, airports (including airport police, **firefighting, and other auxiliary services**), air-taxi, and public mass transit;

(i) The power to provide animal control; and

(j) The power to provide economic development.

This Section shall not prohibit the City of Saxman from also exercising, within its boundaries as of the effective date of consolidation, any power which it exercised prior to consolidation.

Amendment Number 4

Amend Section 12.03 to read:

Section 12.03 Services Provided by Service Area.

(a) The following powers shall be exercised only through service areas:

(1) The establishment and operation of police departments, the hiring of police officers, or the contracting for the services of police officers;

(2) The establishment and operation of fire departments, the hiring of firefighters, and the contracting for firefighting services;

(3) The collection, but not disposal, of solid waste.

However, nothing in this Charter prohibits the Municipality from providing police, firefighting, solid waste collection, or other auxiliary functions incidental to the exercise of an authorized areawide power at areawide expense when necessary to operate facilities used for areawide services; or to respond to a disaster as defined by state law.

Nothing in this Charter, except Section 12.02, prohibits the Municipality from exercising any other power on a non-areawide basis or through services areas. No areawide power shall be interpreted to include or authorize any of the powers described in (1) through (3) above.

Dispatching services for fire and law enforcement may, however, be provided areawide and shall be provided areawide for emergency 911 dispatching.

(b) Until otherwise changed, that area described in the consolidation petition as the Ketchikan Service Area shall be a service area for each and all of the powers described in (a) (1) - (3) above and for the power to build, operate, maintain, and replace roads, bridges, sidewalks, culverts, storm sewers, and drainage ways, and other public works. Except for the Shoreline Service Area, all other service areas in existence on the date this Charter becomes effective shall continue in effect until such time as changed as provided in this Article and the Municipality shall exercise the same powers within those service areas as were exercised by the former Ketchikan Gateway Borough. A new Shoreline Service Area with such territory, taxation, and services as are described in the consolidation petition shall be created on the date this Charter becomes effective and shall continue in existence until such time as changed as provided in this Article. By consolidation petition is meant that petition filed by the City of Ketchikan for the consolidation of the City of Ketchikan and the Ketchikan Gateway Borough with all exhibits and amendments.

Amendment Number 5

Amend Article XIII to read:

Article XIII Saxman

The **Municipality shall take no action to initiate or support the dissolution, merger, or consolidation of the** City of Saxman[SHALL REMAIN A SEPARATE MUNICIPAL ENTITY]. Within its boundaries **as of the date of consolidation,** the City of Saxman may, **to the extent permitted by law,** exercise **those powers which** [MUSEUM, PORTS, HARBORS, PARKS, RECREATION, SANITARY SEWER POWERS, ECONOMIC DEVELOPMENT POWERS AND OTHER POWERS] it exercised prior to consolidation even though the Municipality exercises those same powers. Until otherwise provided by law, the City of Saxman shall continue to receive such areawide municipal services as it previously received from the Ketchikan Gateway Borough and services under this Charter or authorized by the Assembly pursuant to law.

Amendment Number 6

Amend the Charter to spell the word “non-areawide” as “nonareawide” throughout the proposed Charter.

The City of Ketchikan has endorsed DCED's recommended amendments. Having carefully examined the basis for DCED's recommended amendments, the Commission finds them to be warranted for the reasons given by DCED in its Preliminary Report.

ATTACHMENT B

REVIEW OF PROVISIONS IN 2000 KETCHIKAN CHARTER REGARDING THE CITY OF SAXMAN

Article XIII of the proposed charter included with the May 2000 Ketchikan consolidation petition filed with the Local Boundary Commission stated as follows:

ARTICLE XIII SAXMAN

The City of Saxman shall remain a separate municipal entity. Within its boundaries the City of Saxman may exercise museum, ports, harbors, parks, recreation, sanitary sewer powers, economic development powers and other powers it exercised prior to consolidation even though the Municipality exercises those same powers. Until otherwise provided by law, the City of Saxman shall continue to receive such areawide municipal services as it previously received from the Ketchikan Gateway Borough and services under this Charter or authorized by the Assembly pursuant to law.

During the period for public comments and responsive briefs, the Ketchikan Gateway Borough expressed concerns about the wording in Article XIII. The matter was addressed in DCED's *Preliminary Report* on the consolidation

proposal. The *Preliminary Report* stated:

The Borough notes that the list of powers enumerated for the City of Saxman in Article XIII does not include the authority to provide a water utility, a power presently enjoyed by the City of Saxman. The Borough encourages the substitution of a general reference to the powers of the City of Saxman to avoid such omissions. Moreover, the Borough believes that a general reference to powers would “reduce confusion as to the interaction between exercise of a power by Saxman and exercise of the same power by the Consolidated Borough.” (*KGB letter*, p 2.) Accordingly, the Borough proposed the following changes to Article XIII: The City of Saxman shall remain a separate municipal entity. Within its boundaries the City of Saxman may exercise **those powers which** [MUSEUM, PORTS, HARBORS, PARKS, RECREATION, SANITARY SEWER POWERS, ECONOMIC DEVELOPMENT POWERS AND OTHER POWERS] it exercised prior to consolidation even though the **municipality** [MUNICIPALITY] exercises those same powers. Until otherwise provided by law, the City of Saxman shall continue to receive such areawide municipal services as it previously received from the Ketchikan Gateway Borough and services under this **charter** [CHARTER]or authorized by the Assembly pursuant to law. The Petitioner conferred with the City of Saxman regarding the Borough’s proposal and determined that the proposed revisions are acceptable to the City of Saxman. On that basis, the Petitioner recommends that the proposed Charter be modified as requested by the Borough.

DCED recognizes that the purpose of Article XIII is to provide assurances to officials and residents of the City of Saxman with respect to the continued existence of the City of Saxman and its authority to exercise certain powers. DCED notes, however, that the dissolution of city governments is controlled by State law (AS 29.06.450 – AS 29.06.530) and that such provisions are limitations

on home rule powers [AS 29.10.200(6)]. Although not currently contemplated, the time may come when officials and residents of the City of Saxman wish to dissolve their city government. They certainly would not be precluded from initiating dissolution proceedings under State law, despite the language in the proposed Charter that, “The City of Saxman shall remain a separate municipal entity.” Therefore, DCED recommends that the first sentence of Article XIII be rewritten to read: “The **Municipality shall take no action to initiate or support the dissolution, merger, or consolidation of the** City of Saxman [SHALL REMAIN A SEPARATE MUNICIPAL ENTITY].”

Moreover, Article XIII of the proposed Charter conflicts with Section 12.02 of the proposed Charter. The Petitioner’s proposed revision to Article XIII allows the City of Saxman to exercise “those powers which it exercised prior to consolidation even though the municipality exercises those same powers.” Those powers, as characterized by the original proposed Charter, include parks, recreation, ports, harbors, economic development, and museum. Yet,

Section 12.02 of the proposed Charter dictates that the Municipality of Ketchikan shall exercise certain areawide powers including, parks, recreation, ports, harbors, economic development, and museum.

To address the conflict between Article XIII and §12.02, DCED suggests two changes. The first is to modify the second sentence in Article XIII of the proposed Charter as follows:

Within its boundaries **as of the date of consolidation**, the City of Saxman may, **to the extent permitted by law**, exercise **those powers which** [MUSEUM, PORTS, HARBORS, PARKS, RECREATION, SANITARY SEWER POWERS, ECONOMIC DEVELOPMENT POWERS AND OTHER POWERS] it exercised prior to consolidation even though the Municipality exercises those same powers.

The second suggested change is to add the following language at the end of §12.02:

This Section shall not prohibit the City of Saxman from also exercising, within its boundaries as of the effective date of consolidation, any power which it exercised prior to consolidation.

DCED believes that its recommended revisions will provide officials of the City of Saxman and the Municipality of Ketchikan with the full range of desired flexibility to carry out their respective municipal powers and duties while adhering to the principles of local government in Alaska and the requirements of law.¹

¹ Article X of Alaska's Constitution is designed to promote efficient, effective, and strong local governments. Warran A. Taylor, Constitutional Convention Delegate (although not a member of the Local Government Committee), described the purpose of Article X during floor debate at the convention as follows: "I think the purpose of this article is to simplify our governmental procedure and also to prevent an overlapping of government functions." *Proceedings of the Alaska Constitutional Convention*, p. 2699. Among the provisions that relate to this issue is Article X, § 1 which states in part that, "The purpose of this article is to . . . prevent duplication of tax-levying jurisdictions."

During the period for comment on DCED's *Preliminary Report*, the Mayor of the City of Saxman commented on the discussion regarding Article XIII of the proposed charter. After considering those and other comments, DCED took the following position in its Final Report on the matter:

Dan Williams, Mayor, City of Saxman

Mayor Williams wrote a two-page letter dated March 7, 2001. His comments dealt with one issue. The issue is summarized below; DCED's response follows.

Mayor Williams Comment

The Preliminary Report recommended several changes to Article XIII and Section 12.02 of the proposed Charter that we believe may impair Saxman's ability to serve the community's needs on an ongoing, independent basis. Proposed amendments to those provisions are provided.

DCED Response

The correspondent suggested that Article XIII of the proposed Charter be amended to read as shown below.

This Charter shall not limit in any way the jurisdiction, rights, powers, or autonomy of the City of Saxman. The Municipality shall take no action to initiate or support the dissolution, merger, or consolidation of the City of Saxman. Unless permitted by the City of Saxman, the Municipality shall not exercise any power or function within the boundaries of the City of Saxman except such power or function as the Municipality is required to exercise under state law, with the power to tax being limited solely to levy of property, sales, and transient occupancy taxes on an areawide basis. Subject to the limitations set forth herein, until otherwise provided by law, the City of Saxman shall continue to receive such areawide municipal services as it previously received from the Ketchikan Gateway Borough and services under this Charter or authorized by the Assembly pursuant to law.

The following compares the text suggested by the City of Saxman to the text recommended by DCED in the Preliminary Report (additions suggested by Saxman are shown in bold, underlined type; deletions suggested by Saxman are shown in capitalized, bracketed type.)

This Charter shall not limit in any way the jurisdiction, rights, powers, or autonomy of the City of Saxman. The Municipality shall take no action to initiate or support the dissolution, merger, or consolidation of the City of Saxman. **Unless permitted by the City of Saxman, the Municipality shall not exercise any power or function within the boundaries of the City of Saxman except such power or function as the Municipality is required to exercise under**

state law, with the power to tax being limited solely to levy of property, sales, and transient occupancy taxes on an areawide basis. Subject to the limitations set forth herein, until [WITHIN ITS BOUNDARIES AS OF THE DATE OF CONSOLIDATION, THE CITY OF SAXMAN MAY, TO THE EXTENT PERMITTED BY LAW, EXERCISE THOSE POWERS WHICH IT EXERCISED PRIOR TO CONSOLIDATION EVEN THOUGH THE MUNICIPALITY EXERCISES THOSE SAME POWERS. UNTIL] otherwise provided by law, the City of Saxman shall continue to receive such areawide municipal services as it previously received from the Ketchikan Gateway Borough and services under this Charter or authorized by the Assembly pursuant to law.

As far as DCED is aware, the nature of the proposal by the City of Saxman is unprecedented in Alaska. The language suggested by the City of Saxman would impose drastic limits on the authority of the Municipality of Ketchikan. It would prohibit the Municipality from presently exercising within the corporate boundaries of the City of Saxman any power or function except those set out in AS 29.35.150 – 29.35.180, unless otherwise authorized by the City of Saxman.

More specifically, the limitations would apply to any function except: (1) operation of a public school system; (2) assessment and collection of property, sales, and use taxes; and (3) planning, platting, and land use regulation.

The language suggested by the City of Saxman is not in harmony with AS 29.35.250. (See footnote number 1.) AS 29.35.250, which applies to home rule and general law municipal governments, prohibits cities from exercising areawide borough powers unless exempted by the borough assembly. The language suggested by the City of Saxman would prohibit the consolidated borough from exercising many areawide powers, unless exempted by the Saxman City Council.

DCED notes that the proposed Charter of the consolidated borough offers greater autonomy to the City of Saxman than is allowed under the present structure. For example, the Ketchikan Gateway Borough presently exercises the “power to provide for economic development on an areawide basis.” As permitted by AS 29.35.250(b), the Borough has authorized the City of Saxman to exercise that same power “in a manner that does not conflict with or duplicate the exercise of areawide economic development powers by the borough.” (See Section 10.10.005(d) of the Ketchikan Gateway Code).

The Borough could theoretically rescind its authorization for the exercise of economic development powers by the City of Saxman. Alternatively, it could apparently prohibit the City of Saxman from continuing current economic development activities by expanding the scope of the Borough’s economic

development activities in a manner that duplicated or conflicted with those presently undertaken by the City of Saxman. The Borough could also determine that the City's current economic development activities "conflict with or duplicate" those of the Borough. However, under the proposed Charter, the City would be guaranteed the authority to continue to exercise current powers, including those relating to current economic development activities.

The Saxman proposal would also prohibit the consolidated borough from levying any tax within the City of Saxman except for areawide property, sales, and transient occupancy taxes.

In a general sense, such limitations would be an untenable restriction of the authority of the consolidated borough to levy taxes levied by other boroughs in Alaska. Moreover, Saxman is included in the proposed Greater Ketchikan EMS Service Area. As such, the consolidated borough would be obligated to provide EMS services to Saxman, but would be prohibited from collecting taxes in Saxman for those services if the Saxman proposal were implemented.

The City of Saxman's proposal runs counter to constitutional and other principles of local government in Alaska. As noted earlier in this Final Report, the Alaska Supreme Court stressed in 1982 that cities and boroughs "were not to be disparate and competing, but were intended to cooperate and collaborate."

The Preliminary Report noted the following comments from Victor Fischer and Thomas Morehouse on the relationship between cities and boroughs:

While designing an ideal model, delegates were not unaware of the potential for local government conflict. Indeed, the Alaska local political scene at the time was highlighted by disagreements between cities and school districts, battles over annexation, and troubles between cities and public utility districts.²

Delegates were also aware of interjurisdictional problems existing among cities, counties, and special districts in the larger urban areas of other states. They thus sought to create a system in which conflict would be minimized.

Messrs. Morehouse and Fischer further stated:

The intended relationship was probably best described in the following words:

Our whole concept has been based, not upon a separation of the two basic units of government, the borough and the city, but as close an integration of functions between the two as is possible. It was felt, for instance, that we should not, definitely not follow the pattern that you find in most stateside counties where you have the exactly same functions being carried out separately at these two levels of government with their own hierarchy of officialdom and separate capital investment. It was our thought that whenever

functions overlap that they should be integrated, and from that standpoint it was the Committee's feeling that if we can get the coordination between the city council and the borough assembly we would be able to achieve the maximum amount of cooperation because then ² (Footnote original) See *Minutes*, 12th, 35th, and 40th Meetings, *Proceedings*, pp. 2637-38.

each would best know what the other had to offer, they would realize what the problems of the other were, and you would force them, almost, into the cooperation that we hope to achieve in our local government.

(Thomas A. Morehouse and Victor Fischer, *Borough Government in Alaska*, 1971, pp. 44-45.)

Based on the foregoing, DCED does not support the amendment suggested by the City of Saxman. The City of Saxman also suggested the following text as a substitution for DCED's recommended changes to Section 12.02 of the Charter:

This Section is subject to the limitations set forth in Article XIII. This Section shall not prohibit the City of Saxman from also exercising, within its boundaries, any power not prohibited by law.

DCED's recommended text stated that This Section shall not prohibit the City of Saxman from also exercising, within its boundaries as of the effective date of consolidation, any power which it exercised prior to consolidation.

After considering the correspondent's suggested alternative, DCED affirms the recommendation in the Preliminary Report regarding the text in question.

Following the public hearing on the matter, the Local Boundary Commission, with

the concurrence of the Petitioner, amended the proposed Charter to address Section 12.02 and Article XIII in the manner recommended by DCED.

Specifically, the Commission modified the proposed Charter as follows:

Amend Section 12.02 to read:

Section 12.02 Mandatory Areawide Powers.

In addition to all other powers that the Municipality may exercise on an areawide basis, the following powers shall be exercised on an areawide basis:

(a) The power to dispose of solid waste, whether through recycling, landfilling, shipping, or any other means, and the power to operate, maintain, monitor, remediate, repair, or remove landfills, including those previously owned or operated by the City of Ketchikan, whether or not such landfills were in operation or were closed on the effective date of this Charter;

(b) The power to provide public libraries, civic centers, museums, and associated services;

(c) The power to provide for hospital and public health services, including, but not limited to, those services formerly provided by the City of Ketchikan's Gateway Center for Human Services. The power to provide emergency medical services shall be exercised as provided in Section 12.07;

(d) The power to provide public parks and recreation facilities and to provide recreational activities;

(e) The power to provide port and harbor facilities and services;

(f) The power to provide cemetery and mausoleum services;

(g) The power to provide 911 emergency dispatch services;

(h) The power to provide public transportation systems, including, but not limited to, airports (including airport police, **firefighting, and other auxiliary services**), air-taxi, and public mass transit;

(i) The power to provide animal control; and

(j) The power to provide economic development.

This Section shall not prohibit the City of Saxman from also exercising, within its boundaries as of the effective date of consolidation, any power which it exercised prior to consolidation.

Article XIII Saxman

The **Municipality shall take no action to initiate or support the dissolution, merger, or consolidation of the** City of Saxman[SHALL REMAIN A SEPARATE MUNICIPAL ENTITY]. Within its boundaries **as of the date of consolidation**, the City of Saxman may, **to the extent permitted by law**, exercise **those powers which** [MUSEUM, PORTS, HARBORS, PARKS, RECREATION, SANITARY SEWER POWERS, ECONOMIC DEVELOPMENT POWERS AND OTHER POWERS] it exercised prior to consolidation even though the Municipality exercises those same powers. Until otherwise provided by law, the City of Saxman shall continue to receive such areawide municipal services as it previously received from the Ketchikan Gateway Borough and services under this Charter or authorized by the Assembly pursuant to law.