



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

LBC Process and Procedure: Proposed Prince William Sound Borough

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Topics Covered

Role of Local Boundary Commission (LBC) and LBC staff

Proposed Boundary Changes

Petition Process

Incorporation Standards

Questions



Role of Local Boundary Commission

The LBC is an autonomous commission created by Alaska's constitution to objectively consider proposed municipal boundary changes, taking into account areawide and statewide needs.



Role of Local Boundary Commission

- Governor appoints members for five-year overlapping terms.
- Members are volunteers and receive no pay.
- One member from each of Alaska's four judicial districts; the fifth member (the chair) is appointed from the state at-large.
- Photos and bios are available on the LBC website.



Role of Local Boundary Commission

Private (*ex parte*) communications are expressly prohibited between the LBC and any individual, except during a public meeting called to address a municipal boundary proposal (3 AAC 110.500(b)).

Because *ex parte* contact is prohibited, all inquiries, written comments, and briefs must be directed to LBC staff.

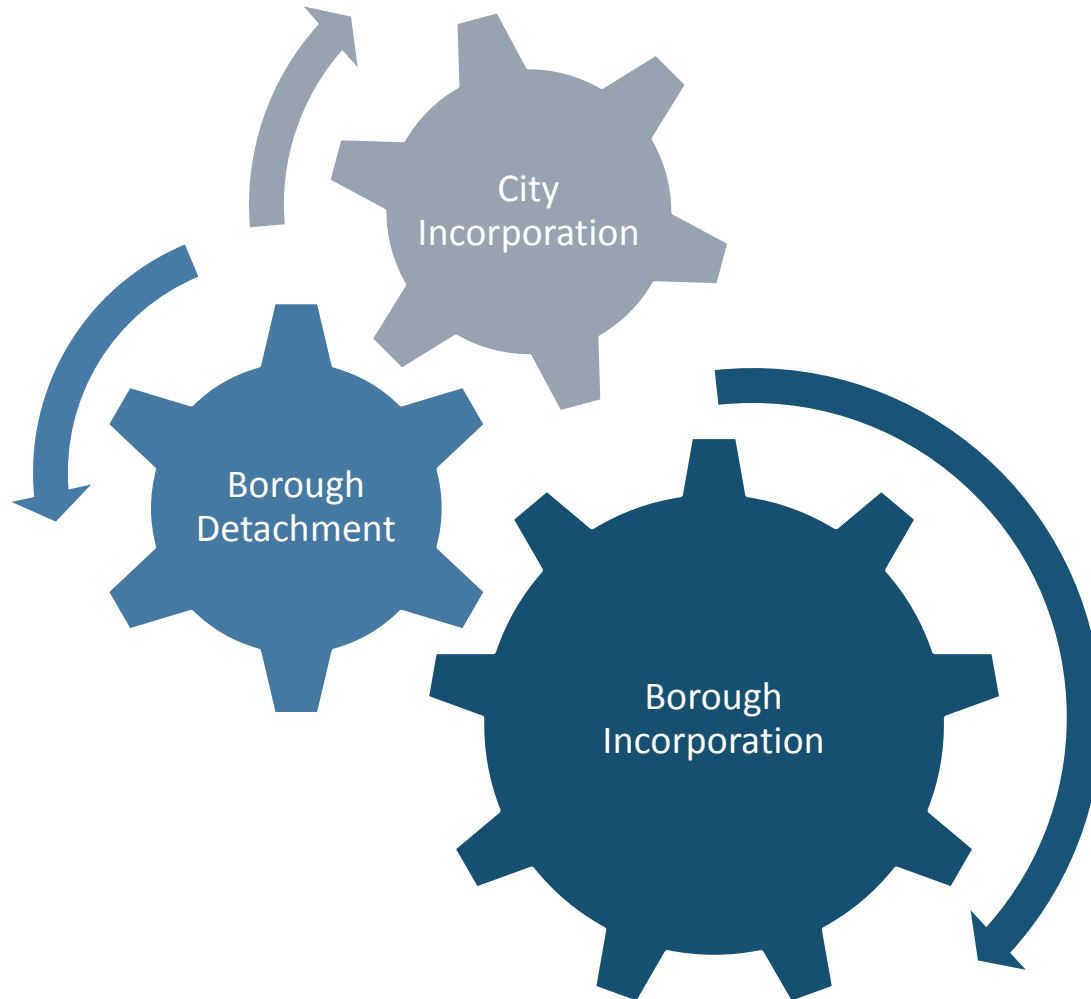


Role of Local Boundary Commission Staff

LBC staff answer the public's questions, manage day-to day operations for the LBC, and make recommendations to the commission.



Proposed Boundary Changes





Proposed Boundary Changes

Municipality of Anchorage

Girdwood

Prince William Sound borough

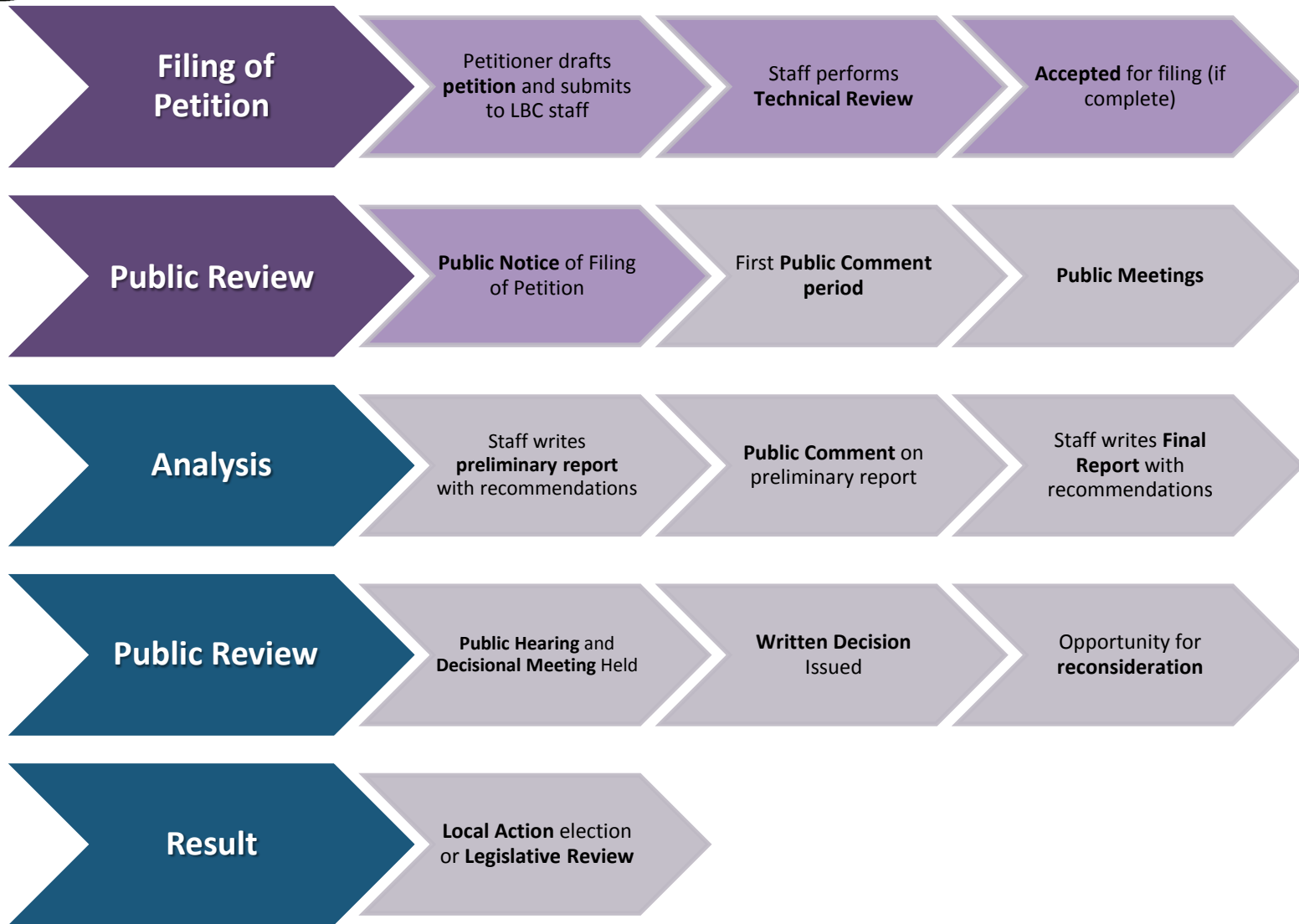
Prince William Sound borough incorporation

Detachment from Anchorage: Borough detachment; borough incorporation

New City of Girdwood: Borough detachment; borough incorporation; city incorporation



Petition Process





Petition Process

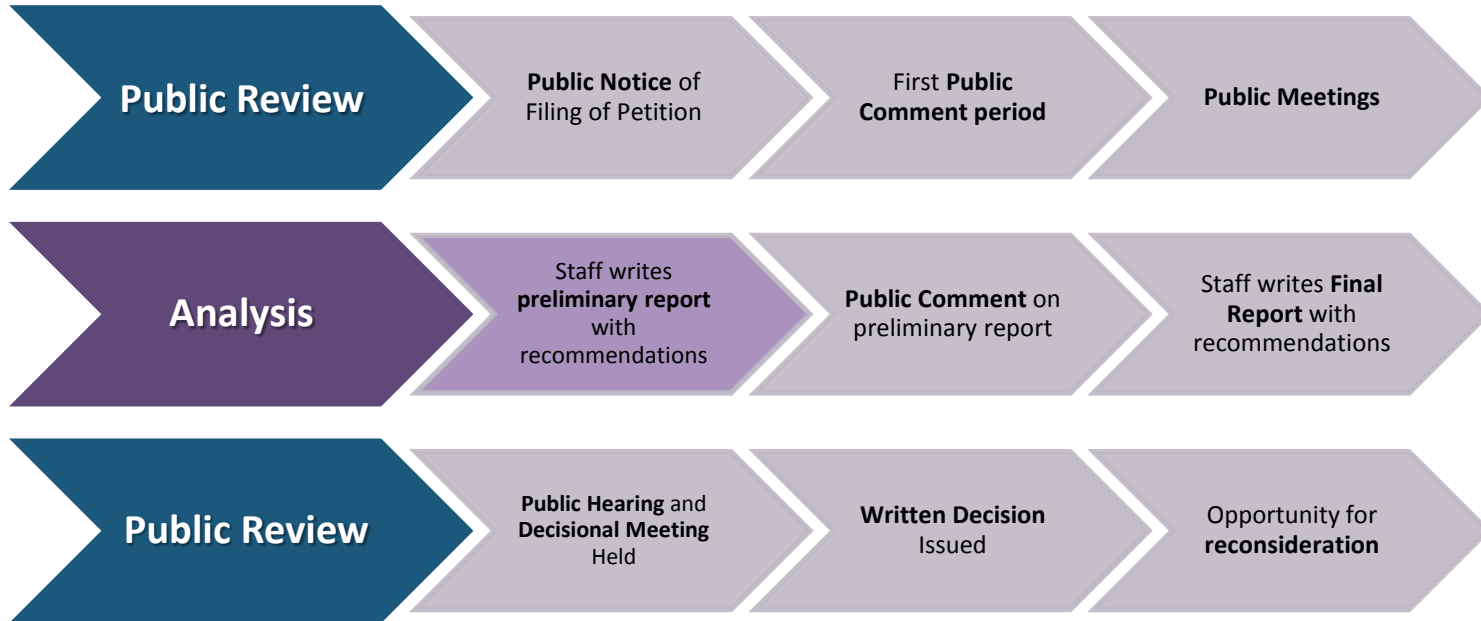


Written comments: Interested persons or entities may file with the LBC staff written comments regarding this petition.

Responsive briefs: Additionally, a person with the capacity to sue and be sued may file a responsive brief supporting or opposing the petition.



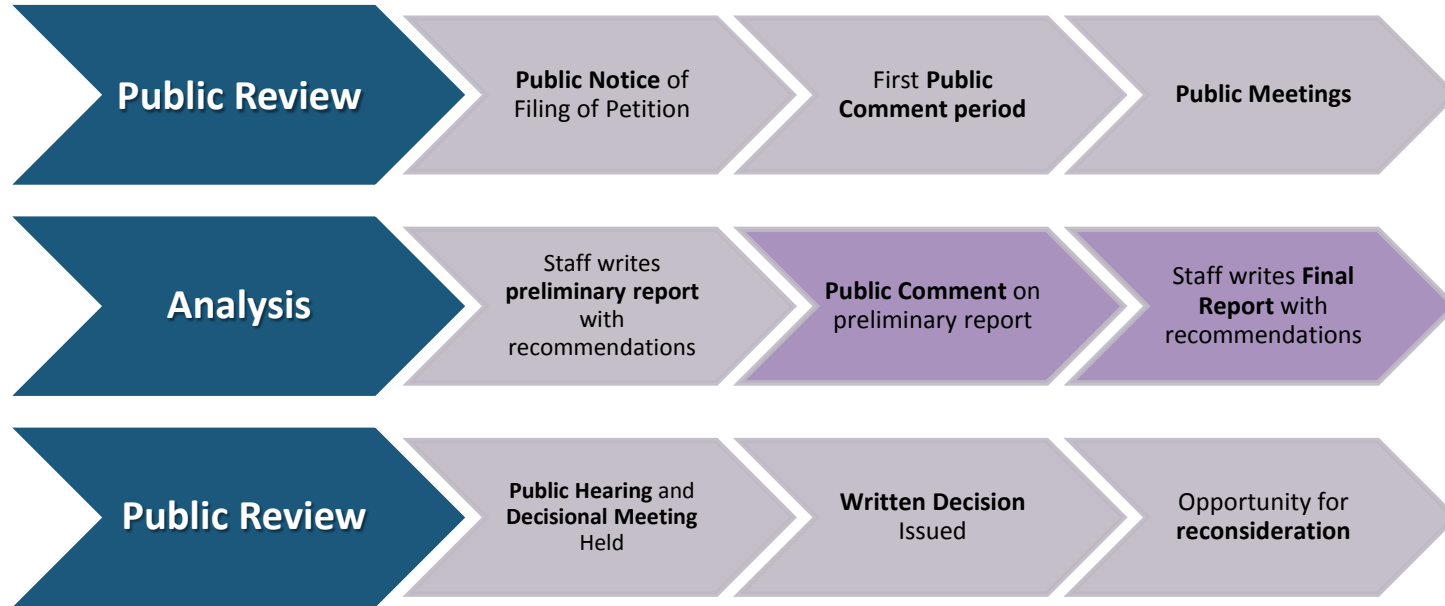
Petition Process



- After the public comment period ends, LBC staff produces a **preliminary report** analyzing the petition, the public comments, and any briefs.
- The report will examine whether the petition meets the standards, and will make recommendations to the LBC.
- The report is available to the public.



Petition Process



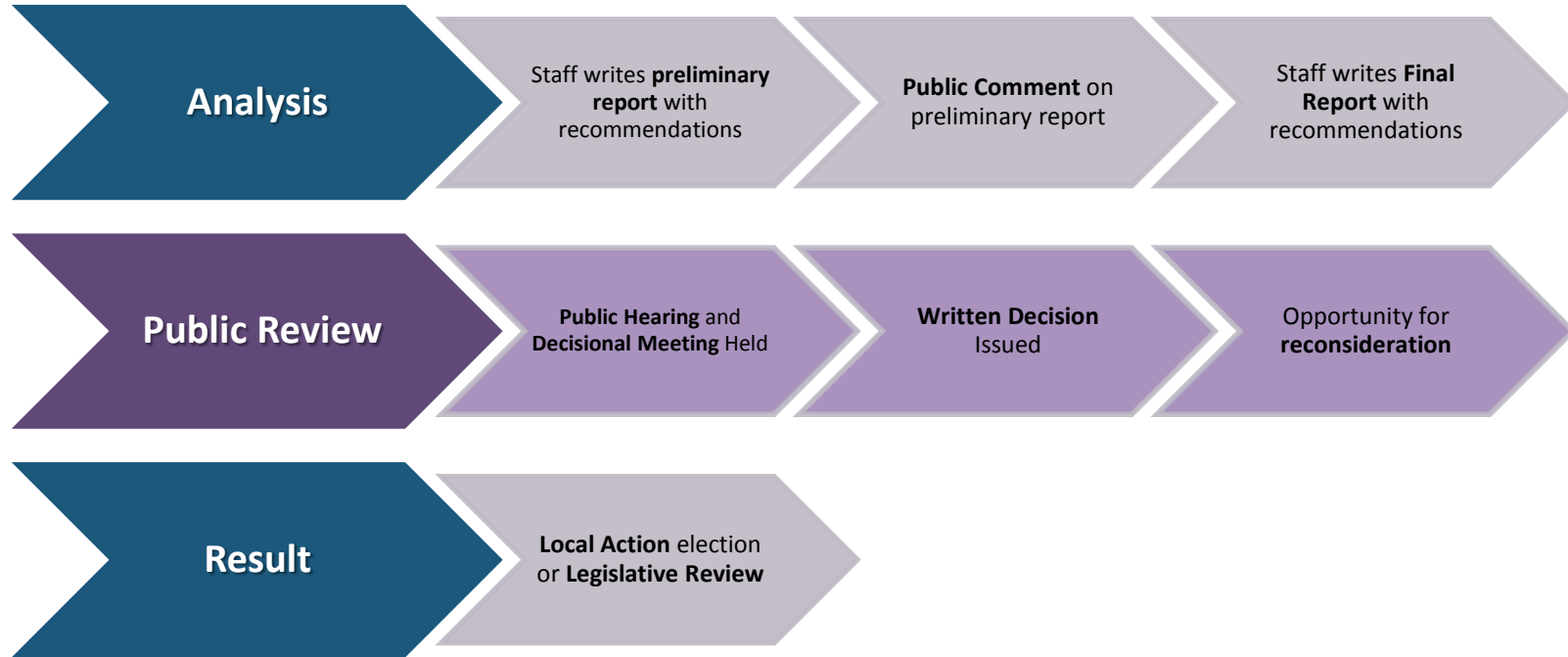
The public can submit written comments on the preliminary report during a designated public comment period.

LBC staff will consider those comments, and could change its final report recommendations from those in the preliminary report.

The final report will be issued after a second public comment period.



Petition Process



The LBC will hold a public hearing in the territory proposed for incorporation.

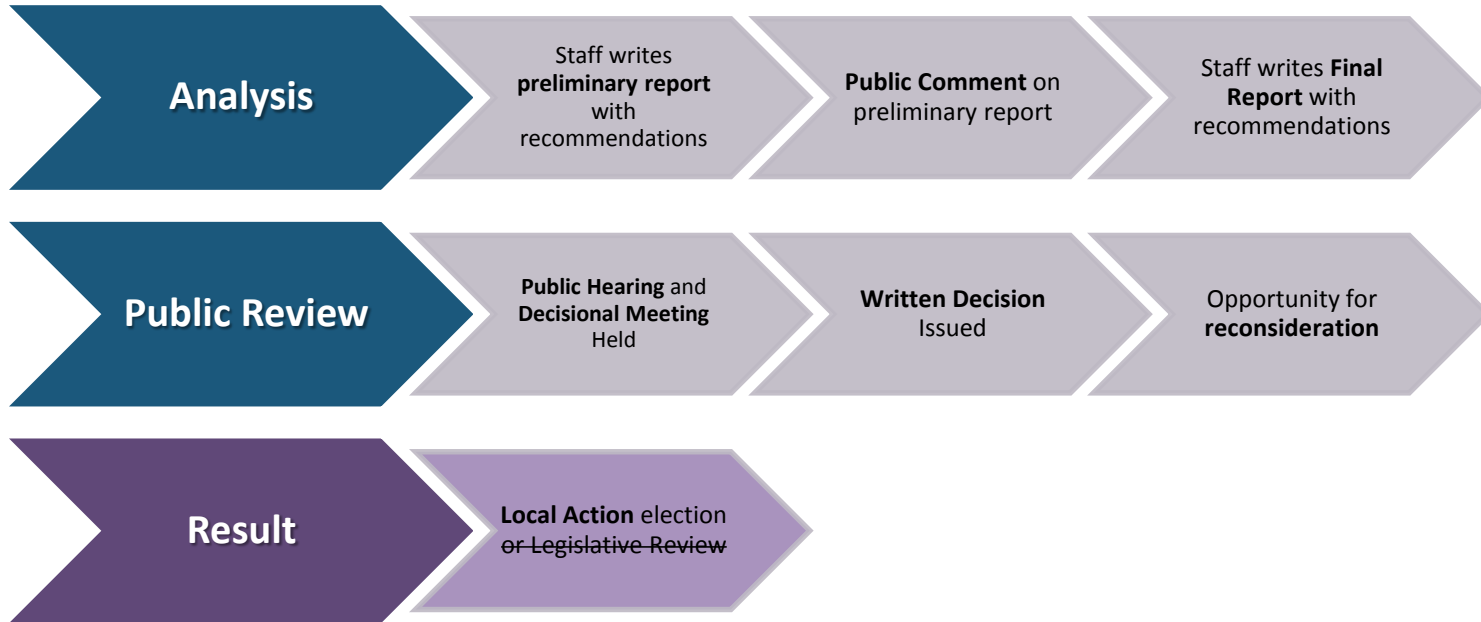
The LBC will hold a decisional meeting within 90 days of the hearing.

The LBC will approve, amend, or deny the petition.

LBC will issue a written decision within 30 days of the decisional meeting.



Petition Process



- If the LBC approves the petition, it immediately notifies the State Division of Elections.
- The Division of Elections will order an election on detachment/incorporation and for prospective council and assembly members.



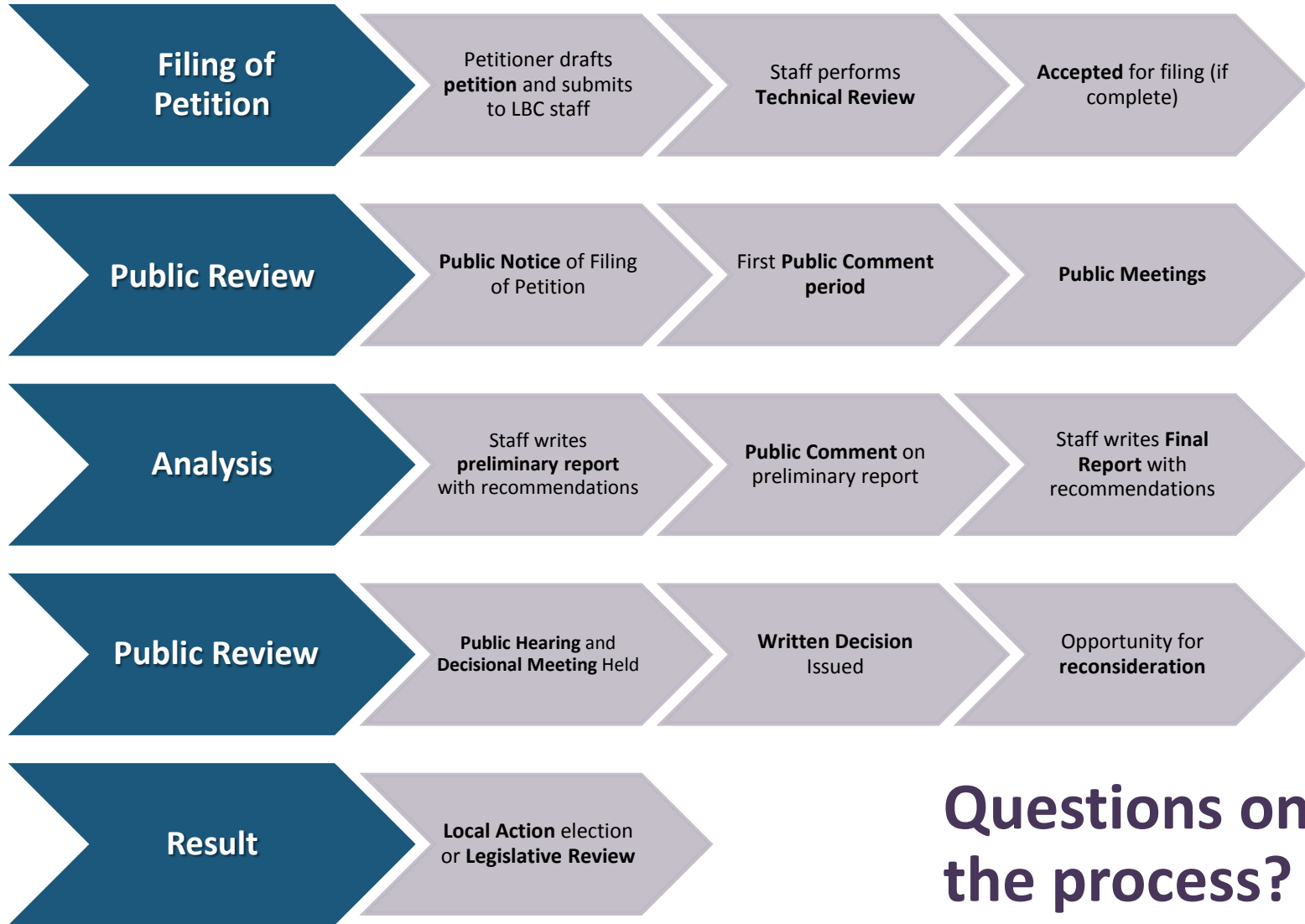
Petition Process



- Incorporation by legislative review requires the LBC hold at least 2 public hearings in the area proposed for incorporation.
- If the LBC approves the petition, it submits the proposal to the legislature within the first 10 days of session.
- The proposal goes into effect unless disapproved by resolution within 45 days or at the end of session, whichever is first.



Petition Process

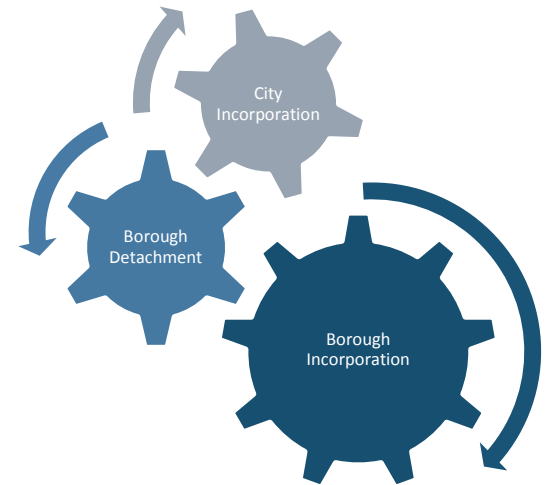


Questions on the process?



Detachment & Incorporation Standards

The LBC will make its decision based upon whether the petition meets the legal standards.



Borough Detachment: 3 AAC 110.267-275

Borough Incorporation: 3 AAC 110.045-067

City Incorporation: 3 AAC 110.010-042



Borough Detachment Standards

Best interests of state (3 AAC 110.270)

(a)(9) [Does the detachment promote]:

(A) **maximum local self government.**

(B) **minimum number of local government units.**

(d) ...**Detachment from an organized borough to an unorganized borough is a diminution of maximum local self-government** and does not meet the standards for detachment.

(e) In order to promote a **minimum number of local governmental units**... a detachment that seeks to incorporate a new borough must propose that the new borough will encompass a **substantially larger population and area** than the detachment.



Borough Incorporation Standards

3 AAC 110 Article 2: Standards for Incorporation of Boroughs

Community of
interests
(3 AAC 110.045)

Population
(3 AAC 110.050)

Resources
(3 AAC 110.055)

Boundaries
(3 AAC 110.060)

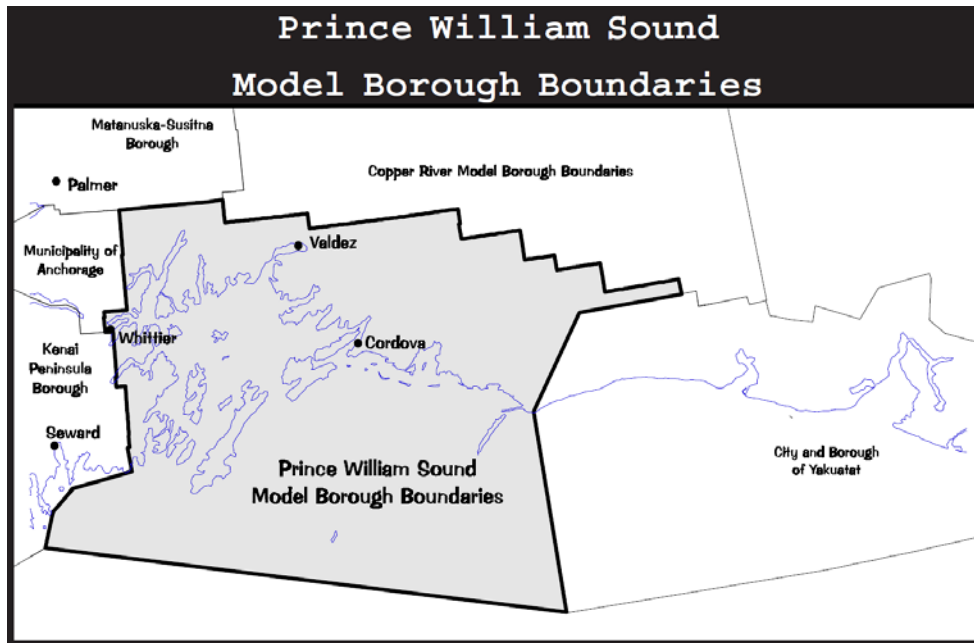
Best interests of
the state
(3 AAC 110.065)



Borough Incorporation Standards

3 AAC 110.060 Boundaries

(b) LBC may consider model borough boundaries, REAA boundaries, census areas, national forest boundaries, ANCSA boundaries, etc.



Model borough boundaries were set to conform with Chugach REAA.

(b)(6) [Are] the proposed borough boundaries optimum boundaries for the region.



City Incorporation Standards

3 AAC 110 Article 1: Standards for Incorporation of Cities

Community
(3 AAC 110.005)

Need
(3 AAC 110.010)

Resources
(3 AAC 110.020)

Population
(3 AAC 110.030)

Boundaries
(3 AAC 110.040)

Best interests of
the state
(3 AAC 110.042)



City Incorporation Standards

3 AAC 110.010 Need

- (a) A community must demonstrate a reasonable need for city government.

- (c) ...To promote a minimum number of local government units... a community within an organized borough may not incorporate as a city if services can be provided more efficiently or more effectively
 - (1) by annexation to an existing city;
 - (2) by an existing organized borough on an areawide or nonareawide basis.



Questions?

For further information, contact LBC staff.

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