

HOUSE JOINT RESOLUTION NO. 39

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES TAMMIE WILSON, Harris

Introduced: 1/27/10

Referred: Community and Regional Affairs

A RESOLUTION

1 **Disapproving the Local Boundary Commission recommendation regarding the**
2 **annexation of territory to the City of Fairbanks.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS**, under art. X, sec. 12, Constitution of the State of Alaska, the legislature
5 may, by resolution, disapprove annexation proposals submitted for review by the Local
6 Boundary Commission; and

7 **WHEREAS** the Local Boundary Commission presented a report to the legislature,
8 dated January 15, 2010, to annex approximately 0.05 square miles to the City of Fairbanks;
9 and

10 **WHEREAS** the Fourth Judicial District, encompassing the territory under
11 consideration for annexation, was not represented on the Local Boundary Commission during
12 the entire proceedings; and

13 **WHEREAS**, the annexation would create an enclave--a critical, material fact under 3
14 AAC 110.130, the consequences of which the Local Boundary Commission failed to
15 consider; and

16 **WHEREAS** the proposed annexation contravenes several legal standards set out in 3

1 AAC 110.090 - 3 AAC 110.140 and 3 AAC 110.900 - 3 AAC 110.982, including

2 (1) reasonable need;

3 (2) effects on the state; and

4 (3) acknowledgment of current emergency medical dispatch and service by the
5 Fairbanks North Star Borough; and

6 **WHEREAS** the Fairbanks North Star Borough strongly opposes the annexation; and

7 **WHEREAS** the proposed annexation would have an adverse effect on the Fairbanks
8 North Star Borough's fire service area by eliminating approximately \$52,000 in revenue from
9 its annual budget; and

10 **WHEREAS** the proposed annexation would cost the Fairbanks North Star Borough
11 an additional approximately \$400,000 in lost revenue; and

12 **WHEREAS** all commercial residents in the territory proposed to be annexed oppose
13 the annexation; and

14 **WHEREAS** emergency services response time to the territory proposed to be annexed
15 would be significantly increased as a direct result of the annexation, thereby putting residents
16 at greater risk during medical and fire emergencies; and

17 **WHEREAS** the current fire service area provider has a superior local rating from the
18 Insurance Services Office, reflecting better emergency service and increasing the likelihood
19 of lower insurance rates for those in the affected area; and

20 **WHEREAS** the City of Fairbanks police and fire departments have consistently stated
21 that they are unable to meet the current demand for emergency services within existing city
22 boundaries; and

23 **WHEREAS**, in lieu of a vote by the people in the territory adjoining the city, the
24 legislature serves as the only representation of those affected by annexation; and

25 **WHEREAS** it is incumbent on the state to encourage the development of municipal
26 infrastructure that provides public safety for all Alaskans;

27 **BE IT RESOLVED** by the Alaska State Legislature that the recommendation of the
28 Local Boundary Commission received by the legislature in January 2010 regarding the
29 annexation of approximately 0.05 square miles of territory to the City of Fairbanks is
30 disapproved.