

HB

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DEVELOPMENT CITIES

Chapter 22 includes maximum participation by state agencies in review, guidance, financial and program assistance, but gives major control to the development city. The development city has all the powers of a regular general law city of its particular class.

There is no clear designation of the responsibilities of the developer, financial or otherwise, except that he must present an approved local hire agreement as a prerequisite to incorporation, and he must show satisfactory contracts for company products to show that the whole project should succeed.

## State participation:

- 1) Council, membership includes Commissioner of DC&RA  
Members appointed by Governor and serve at his pleasure.
- 2) State review of preliminary planning.  
(Doesn't say anything about consistency with state regulations, though I suppose that is implied.  
Doesn't say anything about the final comprehensive plan.  
Doesn't say who will pay for either the preliminary plan or the comprehensive plan. Just says the city shall do it. So, it seems within the city's prerogative to approach the state for at least partial funding.)
- 3) State review of contracts for sale of company products before city can proceed with capital plans. This seems to be the major limitation on the city.
- 4) State to participate in local hire agreement with developer e.g., recruitment, vocational training, relocation assistance...
- 5) State agencies to look out for funds to help finance city's capital improvement program.
- 6) Revenue sharing program, state land selection.

## Major control and options to City:

- 1) Time limits provided for all state action, but none designated for city.
- 2) All provisions of Title 29 apply where consistent with Chapt. 22  
Thus city has all the powers and prerogatives of a general law city.
- 3) Council acts as own housing and urban renewal authority.
- 4) At least 2 council members represent the developer.

Differences from regular cities:

- 1) Council is 5 members instead of 6 or 7  
Appointed by governor - 1 mbr = Commissioner of DC&RA  
- 4 public members
- 2) Exec. Dir. appointed by Council instead of Mayor  
Has all powers of executive under Title 29  
so he can be manager and mayor
- 3) State keeps close review of city programs.
- 4) City gets preferential treatment for state funding in that state agencies are charged to keep an eye out for funds to help finance city's capital program.

## DEVELOPMENT CITIES

- Sec. 29.18.220 Legislative findings. The legislature finds that the development of natural resources in isolated and relatively unpopulated areas requires a policy and procedure which will provide planning, financial and other assistance necessary for encouraging orderly development of well-planned, diversified and economically sound new cities necessary to support the sound development of the state's resources by both the private and public sector. It is the purpose of §§ 220-460 of this chapter to set out the mutual responsibilities of the private and public sectors to achieve these objectives with a view to securing information valuable to future legislatures so that general legislation applicable to the establishment of development cities may be perfected.
- Sec/ 29.18.230 Class of city is designated by DC&RA.
- Sec. 29.18.240 Incorporation is achieved by petition of industrial developer and decision by Local Boundary Commission, or by Act of the legislature.  
Area must not be served by existing municipality or be reasonably practicable to be served by existing municipality.
- Sec. 29.18.250 Petition must include the usual (class, name, boundaries) plus "maps, documents, preliminary economic development projections preliminary population projections, outline of the industrial developer's investigative and development expenditures and its proposed capital program, and other information required by the DC&RA to show that the proposed city meets the standards for incorporation."  
Petition also includes local hire agreement.
- Sec. 29.18.270 DC&RA to investigate petition and determine whether development expenditures and proposed capital program by developer serve the public interest and demonstrate probability of being carried forward to a successful conclusion.  
DC&RA to report findings to LBC.
- Sec. 29.18.290 Decision on Incorporation by LBC. Must not be able to be served by existing municipality either by annexation, service area, etc. and must serve the public interest.  
There is provision for borough to serve area under contract with developer and implement the proposed development program, but borough may decline to do so.  
(preferential designation?)  
LBC may dissolve city if development does not take place within 5 years, but decision may be appealed under Admin. Procedure Act.
- Sec. 29.18.300 Preliminary planning is to be done by the city and submitted to state. This is preliminary to the final comprehensive plan.  
State review is by dev. of planning & research, DC&RA and DEC.
- There are time limits throughout pertaining to state action.  
DC&RA report on petition -- w/in 60 days  
LBC decision on inc. -- within 60 days  
State agency review of preliminary plans --- within 60 days
- Sec. 29.18.320 City may not proceed with commitment of funds or formal undertakings for physical development until it produces contracts for sale of company products or other evidence to show it will succeed.  
State review, but state must act or city can proceed.

Sec. 29.18.330 Local hire agreement and on-the-job training.  
State to assist through its various programs, e.g., recruitment,  
vocational training, relocation assistance...

DEVELOPMENT STAGE means that period of time extending from the  
date of incorporation until the population  
reaches 400 or 5 years has elapsed, whichever  
is earlier.

Sec. 29.18.340 Council, appointed by Gov., Commissioner of DC&RA and 4 public  
members (at least 2 members from developer's list of nominees)  
Serves at the pleasure of the Gov. Councilmen need not be  
residents.

Powers -- of school board, if outside a borough  
-- of planning commission, with review by state

Sec. 29.18.370 City Executive Director appointed by council (may be a member)  
Powers and duties of executives as set out in Title 29.

Sec. 29.18.390 State agencies to insure needs of development city are considered  
in the allocation of funds for capital improvement projects.

Sec. 29.18.400 Transition. 400 permanent residents.  
Gradual election of council members and increase in membership;  
election of mayor (4th year) and at year 4 may elect to become  
home rule.  
If, after 5 years the population is not yet at 400, DC&RA will  
order an election of city officials and designate a new class  
city if appropriate.

Sec. 29.18.410 Council acts as its own housing and urban renewal authority  
"if such powers have been granted to cities under applicable  
provisions of law."

Sec. 29.18.420 Land Selection. DNR to get transfer of federal lands to state  
and then city to select 10%. Cost of survey borne by city.

Sec. 29.18.430 Revenue Bonds may be issued without voter approval during  
development stage -- just majority vote of the council.

Sec. 29.18.440 Shared Revenues. City is entitled to revenue sharing as per  
other cities.

Sec. 29.18.450 All provisions of Title 29 apply to development cities.