

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
6217 SENATE COMMUNITY & REGIONAL AFFAIRS

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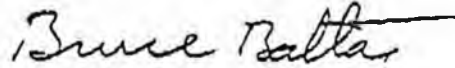
Another reason for overturning this decision is the speed with which it was made (24 days). This did not allow sufficient investigation and evaluation of the proposal by DCRA and the LBC, much less by the public. Many residents of the region believe one borough encompassing all of Bristol Bay would be a better choice. DCRA has been asked to study this possibility but has not done so.

In conclusion, the LBC process and the statutory standards for incorporation should be modified to ensure that boundaries are made on sound planning principles. Natural geography, traditional use patterns, and existing land-planning units should be emphasized in unpopulated areas. At the very least, if decisions are going to be made on the basis of "who should get the revenues," the legislature and not the LBC should establish the policies for making that choice. I would think the state would want to spread out the tax base as much as possible.

The standards and procedures should also be modified to give the interests of communities outside proposed boundaries equal consideration and to ensure that regions are looked at as whole.

The LBC's analysis would be improved if neutral hearing officers conducted the hearings and made recommended decisions, and if DCRA's investigative and technical assistance roles were clearly separated and performed by different people. DCRA's investigative duty should be more clearly spelled out so that decisions are based on facts and expertise rather than the superficial representations of those pushing a proposal. Right now, the whole petitioning process is little more than a word game.

Sincerely,



Bruce B. Baltar

cc Sen. Zharoff  
Sen. Binkley  
Rep. Jacko  
Rep. Hoffman  
Rep. M. Davis  
Rep. Schultz

REPORT ON LOCAL BOUNDARY COMMISSION WORK SESSIONS  
REGARDING PROCEDURES (January 30 - 31, 1989)

The following is a summary of the work sessions held by the Local Boundary Commission on January 30 and 31, 1989 to discuss procedures and rules to be used by the Commission. The Commission plans additional work sessions concerning this matter and intends to amend its existing regulations (19 AAC 10) to implement changes to its procedures.

Commission Members present:

- C.B. Bettisworth, Chair
- Shelley Dugan, Vice-Chair
- Jo Anderson, Member
- Ben Nageak, Member
- Lamar Cotten, Member

DCRA Staff present

- Jake Lestenkof (partial attendance)
- Patrick Poland, Deputy Director, MRAD-Anchorage
- Dan Bockhorst, Local Government Specialist

Others Present (partial attendance)

- Phil Kelly, Aide to Senator Zharoff
- Martha Stuart, Aide to Senate C&RA Committee
- Louanne Christian, Aide to House C&RA Committee
- Vern Roberts, Chignik City Administrator
- Peter Froehlich, Assistant Attorney General
- Marjorie Odland, Assistant Attorney General

I. PUBLIC NOTICE OF THE FILING OF A PETITION

A. FOR REGIONAL ACTIONS HAVING POTENTIAL FOR SUBSTANTIAL PUBLIC INTEREST (defined to include incorporations, dissolutions, legislative review annexations, step annexations, legislative review detachments and local action detachments which involve boroughs or unified municipalities).

1. All of the following parties located within the territory proposed for the change, and within each regional educational attendance area (REAA) and municipality adjoining the borough or unified municipality shall receive individual public notice of the filing of a petition:

- A. All municipalities (cities, boroughs, unified municipalities);
- B. The tribal council or recognized spokesperson of every unincorporated community having 25 or more residents;
- C. All ANCSA village corporations with core townships within the region or the adjoining regions;
- D. All ANCSA regional corporations organized for profit;
- E. All ANCSA regional non-profit corporations;
- F. Regional Educational Attendance Areas;
- G. Coastal Resource Service Areas;
- H. Regional Health providers;
- I. "Major property owners" (to the extent they are readily known).

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2. All of the following additional parties shall receive individual notice of the petition:

- A. Legislators (at a minimum, all legislators serving the region and the adjoining regions should be notified; for issues of statewide importance all legislators should be notified);
- B. Media (newspapers, radio stations and television stations serving the areas in question);
- C. The petitioners' representative;
- D. The Local Boundary Commission;
- E. Appropriate State and federal agencies;
- F. Other parties which the Department believes would be interested in this matter (e.g. financial institutions in the event of a proposed dissolution).

3. Notice described in 1 and 2 above shall be mailed via first class mail (except for that processed through the State mail distribution system). Certified mailings will not be used. Staff will prepare an affidavit of mailing identifying the date of the mailing and the mailing address for each party.

4. Notice shall be published as display advertisements in newspapers of circulation in the regions specified. [Note: standards for publication (e.g. number of times, minimum size) to be developed at subsequent worksessions of LBC].

B. FOR COMMUNITY ACTIONS HAVING POTENTIAL FOR SUBSTANTIAL PUBLIC INTEREST (defined to include incorporations, dissolutions, legislative review annexations, step annexations, legislative review detachments and local action detachments which involve cities).

1. All of the following parties located within 10 miles from the perimeter boundary of the proposed change and/or existing boundary of the city, whichever is further, shall be provided with individual notice.

- A. All municipalities (cities, boroughs, unified municipalities);
- B. The tribal council or recognized spokesperson of every unincorporated community having 25 or more residents;
- C. All ANCSA village corporations with core townships within the defined area;
- D. All ANCSA regional corporations organized for profit;
- E. All ANCSA regional non-profit corporations;
- F. Regional Educational Attendance Areas;
- G. Coastal Resource Service Areas;
- H. Regional Health providers;
- I. "Major property owners" (to the extent they are readily known).

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2. All of the following additional parties shall receive individual notice of the petition:
  - A. Legislators (at a minimum, all legislators serving the territory defined should be notified; for issues of statewide importance all legislators should be notified);
  - B. Media (newspapers, radio stations and television stations serving the areas in question);
  - C. The petitioners' representative;
  - D. The Local Boundary Commission;
  - E. Appropriate State and federal agencies;
  - F. Other parties which the Department believes would be interested in this matter (e.g. financial institutions in the event of a proposed dissolution).
3. Notice in 1 and 2 above shall be mailed via first class mail (except for that processed through the State mail distribution system). Certified mailings will not be used. Staff will prepare an affidavit of mailing identifying the date of the mailing and the mailing address for each party.
4. Notice shall be published as display advertisements in newspapers of circulation in the territory specified. [Note: standards for publication (e.g. number of times, minimum size) to be developed at subsequent worksessions of LBC].

C. FOR REGIONAL AND COMMUNITY ACTIONS HAVING LIMITED POTENTIAL PUBLIC INTEREST (defined to include mergers and consolidations involving boroughs, unified municipalities and cities, as well as local action annexations to boroughs, unified municipalities and cities).

Public notice of such types of actions will be much less than that described in I A and B. [Note: to be more clearly defined at subsequent worksessions of LBC]. Since mergers and consolidations involve a restructuring of existing governments, as opposed to a change in the boundaries of any government, notice will likely be limited to interested parties within the existing governments to be merged or consolidated.

With respect to local action annexations, there are three types of annexations. These are: annexations involving strictly municipally-owned property, those which have been requested by all of the property owners and resident voters in the territory proposed for annexation and those for which the annexation will be ultimately determined by an election of the voters within the territory. The overwhelming majority of these types of annexations are small in scale and are of little or no interest to the general public. In the event a local action proposal is

filed which has the potential for substantial public interest, appropriate notice will be given.

## II. ADDITIONAL INFORMATION

Discussions were held by the LBC concerning the extent to which parties potentially interested in a particular proposal should be made responsible to ask for any information beyond that provided by the notice of the filing of the petition. These additional materials would include a copy of the petition, responsive briefs and written comments in favor or opposition to the petition, replies to the responsive materials from the petitioners' representative, correspondence from DCRA, DCRA draft reports, DCRA final reports, notice of meetings, hearings et cetera. The Commission's discussion centered around the need to keep potentially interested parties informed, yet not incur undue costs of copying and mailing substantial materials to what would typically amount to 200 or more parties. The Commission was inclined limit the such information, UNLESS INDIVIDUALS SPECIFICALLY REQUESTED ADDITIONAL MATERIALS IN WRITING.

## III. ADMINISTRATIVE PROCEDURES

Peter Froehlich, Assistant Attorney General, expressed the opinion that State Statutes [AS 29.05.100(b), 29.06.040(a), 29.06.130(b) and 29.06.500(b)] subject the Commission only to limited provisions of the Administrative Procedure Act. Specifically, these consist of AS 44.62.560 - 570 concerning a judicial appeal of a decision of the Commission.

Mr. Froehlich specifically indicated his belief that the provisions of AS 44.62.540 concerning reconsideration did not apply to the Commission. Mr. Froehlich suggested that the Commission adopt a regulation setting up a procedure for reconsideration based upon the process set out in the State court rules.

Mr. Froehlich recommended that the Commission adopt a regulation clearly establishing an effective date for its decisions.

The Commission discussed the need to formally adopt parliamentary rules. Assistant Attorneys General Marjorie Odland and Peter Froehlich recommended that the Commission adopt bylaws rather than a set of pre-established parliamentary rules. Ms. Odland indicated that she would provide the Commission with sample bylaws for consideration.

IV. SCHEDULE OF PROCEEDINGS

The Commission expressed the belief that a more moderate pace in future proceedings would likely accommodate nearly all of the concerns recently expressed regarding the procedures used by DCRA and the LBC.

It was agreed that the Commission should adopt a regulation allowing the Commission (or Chairman) to set a formal schedule for each proceeding. A typical schedule concerning DCRA and LBC activities leading to a decision concerning a legislative review boundary change, incorporation or dissolution was outlined as follows:

- STEP 1. Form and content of petition reviewed for compliance with law by DCRA. If form and content is accepted, individual public notice of the filing of petition is given. Arrangements are also made for publication in appropriate newspaper at least once each week for four weeks. (see sample notice - petition for dissolution of City of Akiachak). These tasks would typically be accomplished within 2 weeks.
- STEP 2. Chairman of the LBC sets the formal schedule for the proceedings. This would occur sometime around the 2nd or 3rd week of publication of the notice of the filing of the petition.
- STEP 3. Deadline for receipt of responsive briefs and written comments in support of or in opposition to the petition. This would be determined in Step 2, but would typically be set for at least 7 weeks following the distribution and initial publication of the notice of the filing of the petition.
- STEP 4. Deadline for receipt of answering brief from the petitioners' representative in reply to responsive briefs and written comments. This would be determined in Step 2, but would typically be set for 2 weeks following the deadline for responsive briefs.
- STEP 5. Distribution of draft report and recommendation on the petition by DCRA. This would typically occur 4 weeks following the deadline for the answering brief.
- STEP 6. Deadline for comment on DCRA draft report and recommendation. Possible public meeting(s) conducted on the petition by DCRA. These activities would typically occur 4 weeks following the distribution of the draft report.

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- STEP 7. Distribution of final report and recommendation on the petition by DCRA. This would typically occur 2 weeks following the deadline for comment on the draft report.
- STEP 8. LBC conducts hearing(s) on petition. This would typically occur 3 weeks following the release of the final DCRA report. Note: additional public notice of the hearing would be given prior the hearing.
- STEP 9. LBC makes decision on petition. This must occur within 90 days of the hearing(s), however, the Commission may make a decision immediately following the hearing.

QUESTIONS AND COMMENTS CONCERNING THE MATTERS OUTLINED IN THIS REPORT MAY BE DIRECTED TO:

Dan Bockhorst  
Department of Community and Regional Affairs  
949 East 36th Avenue, Room 405  
Anchorage, Alaska 99508

telephone 561-8586



DRAFT

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DRAFT

**IMPORTANT NOTICE  
FILING FOR DISSOLUTION OF THE CITY OF  
AKIACHAK**

Voters of the community of Akiachak (located approximately 20 miles northeast of Bethel) have petitioned the State of Alaska to dissolve their city government. A copy of the petition and supporting materials is available for review at the Akiachak Native Community Office in Akiachak and at the Department of Community and Regional Affairs (DCRA) in Bethel and Anchorage.

**BOUNDARIES.** The boundaries of the city proposed for dissolution encompass approximately 12 square miles in and around the community of Akiachak.

**WRITTEN COMMENT PERIOD.** Individuals may file briefs or written comments in support of or opposition to this petition. To ensure consideration, such materials must be submitted in accordance with the schedule set by the Chairman of the Local Boundary Commission (LBC) as outlined below.

**SCHEDULE.** The Chairman of the LBC will formally set the schedule for action by the LBC concerning this matter on February 27, 1989. The following is the tentative schedule of the proceedings.

- 03/13/89 - Deadline for filing briefs and/or written comments in support of or opposition to the proposed dissolution.
- 03/27/89 - Deadline for submission of answering briefs by petitioners' representative.
- 04/24/89 - DCRA releases (for public review) draft report and recommendation to the LBC concerning the proposed dissolution.
- 05/22/89 - Deadline for receipt of comments on draft report and recommendation from DCRA.
- 06/05/89 - DCRA releases final report and recommendation.
- 06/26/89 - LBC conducts hearing in Akiachak.
- 11/07/89 - State conducts election on dissolution (assuming LBC approves petition - actual election date will be set by Director of Division of Elections).

**SPECIAL NOTICE TO CREDITORS AND OTHERS WITH A FINANCIAL INTEREST.** Any party to whom a debt is owed by the City of Akiachak or who holds assets of the City of Akiachak is asked to notify (INSERT NAME, ADDRESS AND TELEPHONE NUMBER OF AUDITOR).

**FURTHER INFORMATION.** Questions and requests for a copy of the petition for dissolution, DCRA's reports, briefs, correspondence and/or other materials concerning this matter should be directed to Dan Boekhorst, Department of Community and Regional Affairs, 949 East 36th Avenue, Suite 405, Anchorage, AK 99508 (telephone: 561-8586).

**STANDARDS ESTABLISHED BY THE LOCAL BOUNDARY COMMISSION CONCERNING THE ETHICAL CONDUCT OF COMMISSION MEMBERS PROHIBIT INDIVIDUAL MEMBERS OF THE COMMISSION FROM DISCUSSING ANY ASPECT OF THIS MATTER, OTHER THAN PROCEDURES TO BE USED.**

(5) "rural" means

(A) a community with a population of 4,500 or less in the first or second judicial district of the state;

(B) a community with a population of 4,500 or less in the third judicial district of the state that is more than 100 nautical miles from the conforming boundary of jurisdiction of the Municipality of Anchorage; or

(C) a community with a population of 4,500 or less in the fourth judicial district of the state that is more than 35 nautical miles from the conforming boundary of jurisdiction of the City of Fairbanks;

(6) "rural housing" means housing, whether or not it is nonconforming housing, that is located in a rural area of the state. (§ 73 ch 106 SLA 1980; am § 50 ch 113 SLA 1982; am § 7 ch 128 SLA 1984)

**Effect of amendments.** — The 1982 amendment added paragraphs (5) and (6). The 1984 amendment rewrote paragraph (5).

### Article 9. Local Boundary Commission.

Section	Section
565. Local boundary commission	575. Quorum
567. Powers and duties	577. Boundary change
569. Meetings and hearings	579. Expenses
571. Minutes and records	581. Hearings on boundary changes
573. Notice of public hearings	583. When boundary change takes effect

**Sec. 44.47.565. Local boundary commission.** There is in the department a local boundary commission. The local boundary commission consists of five members appointed by the governor for overlapping five-year terms. One member shall be appointed from each of the four judicial districts described in AS 22.10.010 and one member shall be appointed from the state at large. The member appointed from the state at large is the chairman of the commission. (§ 7 ch 64 SLA 1959; am § 5 ch 200 SLA 1972; am § 100 ch 59 SLA 1982)

**Reviser's notes.** — Formerly AS 44.19.250. Renumbered in 1980. commissions, see AS 39.05.060.

**Cross references.** — For further provisions relating to the local boundary commission and to annexation by local action, see AS 29.68.010. As to appointment, qualifications, and terms of office of members of departmental boards, councils, or

**Effect of amendments.** — The 1982 amendment substituted "judicial districts described in AS 22.10.010" for "major senatorial election districts" and inserted "member shall be appointed" in the third sentence.

## NOTES TO DECISIONS

**When constitutional provision effective.** — The method for making boundary changes, contemplated by art. X, § 12, of the Alaska Constitution, was operative upon the enactment of AS 44.19.260 (now AS 44.47.567) and this section. *Fairview Pub. Util. Dist. No. 1 v. Anchorage, Sup.*

*Ct. Op. No. 61 (File Nos. 69, 71), 368 P.2d 540, appeal dismissed and cert. denied, 371 U.S. 5, 83 S. Ct. 39, 9 L. Ed. 2d 49 (1962).*

*Cited in Mobil Oil Corp. v. Local Boundary Comm'n, Sup. Ct. Op. No. 989 (File No. 1947), 518 P.2d 92 (1974).*

**Sec. 44.47.567. Powers and duties.** (a) The local boundary commission shall

- (1) make studies of local government boundary problems;
- (2) develop proposed standards and procedures for changing local boundary lines;
- (3) consider a local government boundary change requested of it by the legislature, the commissioner of community and regional affairs, or a political subdivision of the state; and
- (4) develop standards and procedures for the extension of services and ordinances of incorporated cities into contiguous areas for limited purposes upon majority approval of the voters of the contiguous area to be annexed and prepare transition schedules and prorated tax mill levies as well as standards for participation by voters of these contiguous areas in the affairs of the incorporated cities furnishing services.

(b) The local boundary commission may

- (1) conduct meetings and hearings to consider local government boundary changes and other matters related to local government boundary changes, including extensions of services by incorporated cities into contiguous areas and matters related to extension of services; and
- (2) present to the legislature during the first 10 days of a regular session proposed local government boundary changes, including gradual extension of services of incorporated cities into contiguous areas upon a majority approval of the voters of the contiguous area to be annexed and transition schedules providing for total assimilation of the contiguous area and its full participation in the affairs of the incorporated city within a period not to exceed five years. (§ 7 ch 64 SLA 1959; § 2 ch 45 SLA 1960; am §§ 1, 2 ch 55 SLA 1964; am §§ 1, 2 ch 161 SLA 1966; am § 6 ch 200 SLA 1972)

**Revisor's notes.** — Formerly AS 44.19.260. Renumbered in 1980.

**Cross references.** — For further statement of powers of local boundary commission, see Alaska Constitution, art. X, § 12.

**Opinions of attorney general.** — When grouped together, the powers and duties of the local boundary commission

are as follows: (1) To consider any local government boundary change (§ 12, art. X, Alaska Constitution); (2) to present proposed changes to the legislature (§ 12, art. X, Alaska Constitution, § 7, ch. 64, SLA 1959); (3) (subject to law) to establish procedures whereby boundaries may be adjusted by local action (§ 12, art. X, Alaska Constitution); (4) to make studies

of local government (§ 7, ch. 64, SLA proposed standards changing local boundary SLA 1959); (6) to proposed boundary

By this section as provided that the make studies of boundary problem standards and procedures, and changes requested of visions. The commission hearings on boundary proposed changes to change becomes effective legislature disapproves permits the change. *Smelting, Ref. & Boundary Comm'n. (File No. 1461), 489*

**When constitutive.** — See same case 44.47.565.

Alaska Const. established two methods boundaries might direct action of the legislature (2) by establishment procedures for the annexation of areas by local action. *City of Valdez, Sup. Ct. Op. No. 1996), 522 P.2d*

**Step annexation assimilation.** — An immediate annexation provision assimilation of incorporated cities would be premature. *Port Valdez Co. v. City of Valdez, Sup. Ct. Op. No. 1044 (File No. 1147 (1974).*

**How step annexation.** Ordinarily, a step annexation is commenced by a municipality specifically requesting although presumably could require the municipality to use the step method. *Port Valdez, Sup. Ct. Op. No. 1996), 522 P.2d 1147*

**Section implementation.** Section implements art. X, § 12. — The Alaska Const.

extending city services. *Port Valdez Co. v. City of Valdez*, Sup. Ct. Op. No. 1044 (File No. 1996), 522 P.2d 1147 (1974).

The post-annexation creation of differently served and treated areas does not impugn the reasonableness of the annexation. *Port Valdez Co. v. City of Valdez*, Sup. Ct. Op. No. 1044 (File No. 1996), 522 P.2d 1147 (1974).

**Standing to contest annexation.** — An aggrieved property owner in an area to be annexed has standing to contest the annexation. *United States Smelting, Ref. & Mining Co. v. Local Boundary Comm'n*, Sup. Ct. Op. No. 727 (File No. 1461), 489 P.2d 140 (1971).

**Annexations effected through local boundary commission procedures** receive a full administrative hearing, followed by legislative review, before they are subjected to judicial scrutiny. *Port Valdez Co. v. City of Valdez*, Sup. Ct. Op. No. 1044 (File No. 1996), 522 P.2d 1147 (1974).

**Common challenge is to attack procedures.** — The more common challenge to local boundary commission action attacks the procedures by which the substantive decisions were made. *Port Valdez Co. v. City of Valdez*, Sup. Ct. Op. No. 1044 (File No. 1996), 522 P.2d 1147 (1974).

The selection of annexation method made by the commission and approved by the legislature is controlling. *Port Valdez Co. v. City of Valdez*, Sup. Ct. Op. No. 1044 (File No. 1996), 522 P.2d 1147 (1974).

**Judicial review.** — There are questions of public policy to be determined in annexation proceedings which are beyond

the province of the court. Examples are the desirability of annexation, as expressed in published standards. Judicial techniques are not well adapted to resolving these questions. In that sense, these may be described as "political questions," beyond the compass of judicial review. But other annexation issues, such as whether statutory notice requirements were followed, are readily decided by traditional judicial techniques. *United States Smelting, Ref. & Mining Co. v. Local Boundary Comm'n*, Sup. Ct. Op. No. 727 (File No. 1461), 489 P.2d 140 (1971).

The policy decision as to the mode of annexation is an exercise of lawfully vested administrative discretion which the supreme court will review only to determine if administrative, legislative or constitutional mandates were disobeyed or if the action constituted an abuse of discretion. *Port Valdez Co. v. City of Valdez*, Sup. Ct. Op. No. 1044 (File No. 1996), 522 P.2d 1147 (1974).

**Wood River made part of city of Dillingham.** — When the legislature failed to disapprove of the commission's proposal, the commission's local boundary change, which consisted of the abolition of the boundary of Wood River and the confirmation of the boundary of the city of Dillingham, had the effect of making Wood River a part of the city of Dillingham. When the boundary commission's proposal for boundary change became effective, the city of Wood River was dissolved, even though the statutory procedures for dissolution of cities were not followed. *Oesau v. City of Dillingham*, Sup. Ct. Op. No. 467 (File No. 856), 439 P.2d 180 (1968).

**Sec. 44.47.569. Meetings and hearings.** The chairman of the commission or the commissioner of community and regional affairs with the consent of the chairman may call a meeting or hearing of the local boundary commission. All meetings and hearings shall be public. (§ 3 ch 45 SLA 1960; am § 7 ch 200 SLA 1972)

**Revisor's notes.** — Formerly AS 44.19.270. Renumbered in 1980.

**Sec. 44.47.571. Minutes and records.** The local boundary commission shall keep minutes of all meetings and hearings. If the proceedings are transcribed, minutes shall be made from the transcription. The minutes are a public record. All votes taken by the commission shall be entered in the minutes. (§ 3 ch 45 SLA 1960)

**Revisor's notes.** — Formerly AS  
44.19.280. Renumbered in 1980.

**Sec. 44.47.573. Notice of public hearings.** Public notice of a hearing of the local boundary commission shall be given in the area in which the hearing is to be held at least 15 days before the date of the hearing. The notice of the hearing shall include the time, date, place, and subject of the hearing. The director of local affairs shall give notice of the hearing at least three times in the press, through other news media, or by posting in a public place, whichever is most feasible. (§ 3 ch 45 SLA 1960)

**Revisor's notes.** — Formerly AS  
44.19.290. Renumbered in 1980.

**Sec. 44.47.575. Quorum.** Three members of the commission constitute a quorum for the conduct of business at a meeting. Two members constitute a quorum for the conduct of business at a hearing. (§ 3 ch 45 SLA 1960)

**Revisor's notes.** — Formerly AS  
44.19.300. Renumbered in 1980.

**Sec. 44.47.577. Boundary change.** A majority of the membership of the local boundary commission must vote in favor of a proposed boundary change before it may be presented to the legislature. (§ 3 ch 45 SLA 1960)

**Revisor's notes.** — Formerly AS  
44.19.310. Renumbered in 1980.

**Sec. 44.47.579. Expenses.** Members of the local boundary commission receive no pay but are entitled to the travel expenses and per diem authorized for members of boards and commissions. (§ 4 ch 45 SLA 1960)

**Revisor's notes.** — Formerly AS  
44.19.320. Renumbered in 1980.

**Sec. 44.47.581. Hearings on boundary changes.** A local government boundary change may not be proposed to the legislature unless a hearing on the change has been held in or in the near vicinity of the area affected by the change. (§ 2 ch 45 SLA 1960)

**Revisor's notes.** — Formerly AS  
44.19.330. Renumbered in 1980.

Public notice of a boundary change to be given in the area in which the change is proposed before the date of the session, the time, date, place, and manner. All matters shall give notice through other news media if that is most feasible. (§ 3 ch 45 SLA 1960)

The commission constituting the commission consisting of two members appointed by the legislature at a hearing. (§ 3 ch 45 SLA 1960)

Members of the membership of the commission favor of a proposed change by the legislature. (§ 3 ch 45 SLA 1960)

Local boundary commissions shall receive compensation and per diem for their services. (§ 4 ch 45 SLA 1960)

Local government boundary changes shall be approved by the legislature unless the change is in the near vicinity of the boundary.

**Sec. 44.47.583. When boundary change takes effect.** When a local government boundary change is proposed to the legislature during the first 10 days of any regular session, the change becomes effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. (§ 2 ch 45 SLA 1960)

**Revisor's notes.** — Formerly AS 44.19.340. Renumbered in 1980.

**Cross references.** — For other provisions relating to procedures of the local boundary commission, see AS 29.68.010.

provisions relating to procedures of the local boundary commission, see AS 29.68.010.

**NOTES TO DECISIONS**

By this section and AS 44.47.587 it is provided that the commission must make studies of local government boundary problems, develop proposed standards and procedures for changing boundaries, and consider boundary changes requested of it by political subdivisions. The commission may conduct hearings on boundary changes and present proposed changes to the legislature. The change becomes effective unless the legislature disapproves; legislative silence permits the change. *United States Smelting, Ref. & Mining Co. v. Local Boundary Comm'n, Sup. Ct. Op. No. 727 (File No. 1461), 489 P.2d 140 (1971).*

Alaska Const., art. X, § 12, empowers the legislature to veto commission actions. *United States Smelting, Ref. & Mining Co. v. Local Boundary Comm'n, Sup. Ct. Op. No. 727 (File No. 1461), 489 P.2d 140 (1971).*

But such section does nothing to compel the legislature to review for compliance with its own requirements. *United States Smelting, Ref. & Mining Co. v. Local Boundary Comm'n, Sup. Ct. Op. No. 727 (File No. 1461), 489 P.2d 140 (1971).*

This section and Alaska Const., art. X, § 12, do not make the decision as to whether the commission has complied with the law exclusively legislative. *United States Smelting, Ref. & Mining Co. v. Local Boundary Comm'n, Sup. Ct. Op. No. 727 (File No. 1461), 489 P.2d 140 (1971).*

Legislature handicapped in absence of known standard governing change of boundary lines. — Under Alaska's Constitution the supreme court has the duty of insuring that administrative action complies with the laws of Alaska. Absent known standards governing the changing of local boundary lines, the legislature's ability to make rational decisions as to whether to approve or disapprove proposed local boundary changes of the commission is seriously handicapped. *United States Smelting, Ref. & Mining Co. v. Local Boundary Comm'n, Sup. Ct. Op. No. 727 (File No. 1461), 489 P.2d 140 (1971).*

Existing cities with local boundary commission created boundaries remain unaffected by the holding, with the de facto municipality doctrine. *United States Smelting, Ref. & Mining Co. v. Local Boundary Comm'n, Sup. Ct. Op. No. 727 (File No. 1461), 489 P.2d 140 (1971).*

Standing to contest annexation. An aggrieved property owner in an area to be annexed has standing to contest annexation. *United States Smelting & Mining Co. v. Local Boundary Comm'n, Sup. Ct. Op. No. 727 (File No. 1461), 489 P.2d 140 (1971).*

Stated in *State, Dep't of Nat'l Resources v. City of Haines, Sup. Ct. Op. No. 2342 (File No. 5067), 627 P.2d 1047 (1981).*

**Article 10. Senior Citizens Housing Development Fund.**

**Section**

610. Declaration of purpose

620. Senior citizens housing development

# TITLE 19. COMMUNITY AND REGIONAL AFFAIRS

## Part

1. Local Boundary Commission (19 AAC 10)
2. Municipal and Regional Assistance Division (19 AAC 30 — 19 AAC 60)
3. Division of Community Development (19 AAC 65 — 19 AAC 69)
4. Division of Housing Assistance (19 AAC 80 — 19 AAC 88)
5. Division of Community Planning (19 AAC 90)

**Publisher's note.** — Emergency regulations, if any, are placed in an appendix following the permanent regulations in each pamphlet of the Alaska Administrative Code.

## PART 1. LOCAL BOUNDARY COMMISSION

### Chapter

- ~~05. Standards for Boundary Changes (consolidated into 19 AAC 10)~~
10. Municipal Incorporations and Boundary Changes (19 AAC 10.010 — 19 AAC 10.840)
15. Boundary Changes by Local Action (consolidated into 19 AAC 10)
20. Miscellaneous Provisions (consolidated into 19 AAC 10)

### CHAPTER 05. STANDARDS FOR BOUNDARY CHANGES

**Editor's notes.** — As of 2/21/82, 19 AAC 05, 19 AAC 10, 19 AAC 15 and 19 AAC 20 have been reorganized under 19 AAC 10. The history notes for sections within the old chapters have not been carried forward in the reorganization.

### CHAPTER 10. MUNICIPAL CORPORATIONS AND BOUNDARY CHANGES

#### Article

1. Standards for Incorporation of Cities (19 AAC 10.010 — 19 AAC 10.030)
2. Standards for Incorporation of Development Cities (19 AAC 10.040 — 19 AAC 10.060) (Reserved)
3. ~~Standards for Annexation to Cities~~ (19 AAC 10.065 — 19 AAC 10.090)
4. Standards for Detachment from Cities and Unified Municipalities (19 AAC 10.095 — 19 AAC 10.120)
5. Standards for Dissolution of Cities (19 AAC 10.130 — 19 AAC 10.150)
6. Standards for Incorporation of Organized Boroughs (19 AAC 10.160 — 19 AAC 10.180)
7. ~~Standards for Annexation to Organized Boroughs (19 AAC 10.185 — 19 AAC 10.220)~~
8. Standards for Detachment from Organized Boroughs (19 AAC 10.225 — 19 AAC 10.250)
9. Standards for Dissolution of Organized Boroughs (19 AAC 10.260 — 19 AAC 10.280)



**Article**

- 10. Standards for Merger of Municipalities (19 AAC 10.290 — 19 AAC 10.300)
- 11. Standards for Consolidation of Municipalities (19 AAC 10.310 — 19 AAC 10.320)
- 12. Procedures for Incorporation of Municipalities (19 AAC 10.325 — 19 AAC 10.440)
- 13. Procedures for Boundary Changes Requiring Legislative Review (19 AAC 10.450 — 19 AAC 10.620)
- 14. Procedures for Boundary Changes by Local Action (19 AAC 10.630 — 19 AAC 10.730)
- 15. Procedures for Step Annexation (19 AAC 10.735 — 19 AAC 10.790)
- 16. Procedures for Merger or Consolidation of Municipalities (19 AAC 10.800 — 19 AAC 10.810)
- 17. Miscellaneous Provisions (19 AAC 10.820 — 19 AAC 10.840)

**Article 1. Standards for Incorporation of Cities**

**Section**

- 10. Considerations relating to incorporation standards
- 20. Application of standards

**Section**

- 30. Incorporation of territory located within a municipality

**19 AAC 10.010. CONSIDERATIONS RELATING TO INCORPORATION STANDARDS.** (a) In determining whether the boundaries include all areas necessary to provide municipal services on an efficient scale for the purposes of AS 29.18.011(a)(2), the commission will, in its discretion and without limitation, consider land ownership patterns, land use patterns, population densities, the location of existing and anticipated transportation facilities, existing and anticipated roads and trails, existing or potential watersheds, and other areas necessary for the provision of municipal services.

(b) In determining whether the economy of a community has the human and financial resources necessary to provide local services for the purposes of AS 29.18.011(a)(3), the commission will, in its discretion and without limitation, consider existing and anticipated industrial, commercial, or resource development and education levels of the residents of the community, in addition to the factors listed in AS 29.18.011(a)(3).

(c) In determining whether the population of a community is stable enough to support local government for the purposes of AS 29.18.011(a)(4), the commission will, in its discretion and without limitation, consider community growth patterns, age distribution patterns, seasonal population changes, and other factors which indicate the stability of the population of the community.

(d) In determining whether there is a demonstrated need for local government in a community for the purposes of AS 29.18.011(a)(5), the commission will, in its discretion and without limitation, consider existing and anticipated social and economic problems, whether major economic development is anticipated, adequacy of existing services, and other factors which reflect the need for local government. (Eff. 2/21/82, Register 81)

Authority: AS 29.1  
AS 44.4

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Authority: Art. X.  
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19 AAC 10.020 COMMUNITY AND REGIONAL AFFAIRS 19 AAC 10.030

Authority: AS 29.18.011  
AS 44.47.980

19 AAC 10.020. APPLICATION OF STANDARDS. (a) The commission will not allow the incorporation of a community located within an organized borough unless the petitioners demonstrate to the satisfaction of the commission that the services to be exercised by the proposed city cannot be reasonably or practicably exercised by the borough on an areawide or non-areawide basis. The commission will consider the requirement of this subsection satisfied if

(1) the commission determines that the municipal services proposed to be exercised by the new city could more economically and efficiently be provided by the city form of government than by the exercise of areawide or non-areawide borough powers; or

(2) the commission determines that the proposed city is remote from the borough seat and is not connected to the borough seat by the state highway system.

(b) The commission will not consider a petition for incorporation of a community located or partially located within an existing city until the petitioners have submitted, and the commission has approved, a petition for detachment from the existing city of the area proposed for incorporation in accordance with this chapter.

(c) The commission will not consider a petition for incorporation of a community located partially within and partially outside an organized borough until the petitioners have submitted, and the commission has approved

(1) a petition for annexation to the borough of the area located outside the borough in accordance with this chapter; or

(2) a petition for detachment of the area proposed for incorporation from the borough in accordance with this chapter.

(d) The commission will deny a petition for incorporation of a community as a city of the first class unless the petitioners demonstrate to the satisfaction of the commission that the community has the ability to generate sufficient local revenues to pay for the local share of the costs of mandatory first-class city services, which include, but are not limited to, the cost of the local contribution for education, the cost of an annual audit of the city accounts, and, for cities in the unorganized borough, the cost of exercising planning, platting, and zoning powers as authorized by AS 29. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

19 AAC 10.030. INCORPORATION OF TERRITORY LOCATED WITHIN A MUNICIPALITY. (a) For the incorporation of a community located within a municipality which is providing services to the community which the proposed city will provide upon incorpora-

tion, the commission will determine the method by which assets and liabilities are to be distributed between the newly incorporated city and the municipality formerly providing services. In determining the method of transfer of service responsibility and the distribution of assets and liabilities, the commission will, in its discretion, approve an equitable agreement between the municipalities affected but will independently review the proposed agreement.

(b) If, within two years of the date of incorporation, the municipalities involved have failed to reach an agreement under (a) of this section as to the distribution of assets and liabilities, then the commission shall determine the method of transfer of service responsibility and the distribution or transfer of assets and liabilities which shall be binding on the municipalities.

(c) If, in exercising its responsibilities under (b) of this section, the commission determines it necessary, the commission will, in its discretion, employ the services of professional accountants or consultants, and charge the municipalities for the costs incurred. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**Article 2. Standards for Incorporation of Development Cities**

Section  
40 — 60. (Reserved)

19 AAC 10.040 — 19 AAC 10.060. Reserved.

**Article 3. Standards for Annexation to Cities**

Section  
65. Applicability  
70. Annexable territory

Section  
80. Application of standards  
90. Annexation of incorporated territory

19 AAC 10.065. **APPLICABILITY.** The provisions of 19 AAC 10.070 — 19 AAC 10.090 apply to a proposal for annexation by local action (19 AAC 10.630 — 19 AAC 10.730), by legislative review (19 AAC 10.450 — 19 AAC 10.620) or by the step process (19 AAC 10.735 — 19 AAC 10.790). (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

19 AAC 10.070. **ANNEXABLE TERRITORY.** (a) Territory which is contiguous to a city may be annexed to that city if one or more of the following standards are met:

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(1) the contiguous territory is totally surrounded by the city's boundaries;

(2) the land in the territory is wholly owned by the city;

(3) the territory is urban in character;

(4) the territory is in need of municipal services which the city can provide more efficiently than another municipality;

(5) there is a reasonable likelihood that future growth and development will occur within the territory and that annexation of the territory will enable the city to plan for and control that development;

(6) the health, welfare, or safety of city residents is endangered by conditions existing or developing in the territory and annexation will enable the city to remove or relieve those conditions;

(7) the extension into the territory of city services or facilities is necessary to enable the city to provide adequate service to city residents, and it is impossible or impractical for the city to extend the facilities or services unless the territory is within the city's boundaries;

(8) residents or property owners within the territory receive or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate property tax contributions, whether city services are rendered or received inside or outside the territory;

(9) the annexation is otherwise necessary to accomplish a valid public purpose.

(b) Territory which is not contiguous to a city may be annexed to the city if

(1) the land in the territory is wholly owned or leased by the city or used primarily for the performance of city functions; and

(2) annexation is necessary to enable the city to achieve adequate control, protection, or management of the property.

(c) Territory which does not meet the standards of (a) of this section may be annexed to a city if the territory lies between the city boundary and other noncontiguous territory which meets the requirements of (a) of this section.

(d) In determining whether territory is urban in character for the purposes of (a)(3) of this section, the commission will, in its discretion and without limitation, consider whether the property is platted or held for sale for residential or commercial purposes, whether the population density of the territory approximates that of the annexing city, whether the population of the territory stems primarily from actual growth of the city beyond its legal boundaries, and whether the property is valuable primarily by reason of its suitability for prospective urban purposes.

(e) In determining whether the standard established in (a)(8) of this section is met, the commission will consider alternative methods

available to the city for offsetting the cost of providing services to individuals or property beyond its property taxation powers. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.070 is based on a former version of 19 AAC 05.010.

**19 AAC 10.080. APPLICATION OF STANDARDS.** (a) The commission will not approve an annexation unless the annexing city demonstrates to the satisfaction of the commission that it is capable of extending, and is willing to extend, services to the annexed area as follows:

(1) full municipal services shall be extended to the annexed area immediately unless

(A) the annexation is pursuant to 19 AAC 10.735 — 19 AAC 10.790; or

(B) the immediate extension of full municipal services to the annexed area is impossible because of a lack of necessary facilities, in which case the annexing city shall satisfy the commission that it will provide the services within a reasonable time;

(2) if the annexation is under 19 AAC 10.735 — 19 AAC 10.790, the commission must be satisfied that the city's plan for gradual extension of services reasonably compares with a plan for gradual extension of taxation and provides for extension of full municipal services to the annexed area within the time period established under 19 AAC 10.740.

(b) The commission will, in its discretion, conduct public hearings or investigations after a detachment to determine if the service requirements of residents are being met. If the commission determines that the service requirements of the residents of the territory are not being met, it will, in its discretion, begin annexation proceedings under this chapter.

(c) Notwithstanding the provisions of (a) of this section, the commission will, in its discretion, approve an annexation by a city which has authority to establish and operate differential taxation zones if the commission is satisfied that the city is willing and able to use that authority to

(1) provide the territory with such services as may be desired by residents of the territory; and

(2) insure that the annexed area is not subjected to unfair taxation for services not available in the annexed area. (Eff. 2/21/82, Register 81)

Authority: Art. X,  
AS 44.4

Editor's notes. —  
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Authority: Art. X, S  
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**19 AAC 10.095**  
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Authority: Art. X, S  
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19 AAC 10.090 COMMUNITY AND REGIONAL AFFAIRS 19 AAC 10.100

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.080 is  
based on a former version of 19 AAC  
05.020.

**19 AAC 10.090. ANNEXATION OF INCORPORATED TERRITORY.** (a) For the annexation by a city of territory of another municipality, the commission will determine the method by which assets and liabilities are to be distributed between the city and the municipality formerly providing services. In determining the distribution of liabilities and assets, the commission will, in its discretion, approve an equitable agreement between the municipalities affected but will independently review the proposed agreement.

(b) Territory which is part of a city may not be annexed to another city unless the commission determines the annexation to be in the best interests of the annexing city, the city from which the annexed territory is taken, and the annexed area.

(c) Separate or additional proceedings are not required for detachment from a city or borough of territory which becomes annexed to another city; the detachment is effected by and at the same time as the annexation. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.090 is  
based on former versions of 19 AAC  
05.030 and 19 AAC 15.040.

#### Article 4, Standards for Detachment from Cities and Unified Municipalities

Section  
95. Applicability  
100. Detachable territory

Section  
110. Application of standards  
120. Distribution of assets and liabilities

**19 AAC 10.095. APPLICABILITY.** The provisions of 19 AAC 10.100 — 19 AAC 10.120 apply to a proposal for detachment by local action (19 AAC 10.630 — 19 AAC 10.730) or by legislative review (19 AAC 10.450 — 19 AAC 10.620). (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.100. DETACHABLE TERRITORY.** (a) Territory which is part of a city or unified municipality may be detached from that city or unified municipality if, in the view of the commission, the detachment would be in the best interests of the state, the area to be

detached and the municipality affected by the detachment. In determining whether to approve detachment, the commission will consider, but is not limited to, the following factors:

(1) whether the territory is so situated as to render it impractical or unfeasible to extend to the territory municipal sewer, street, water, or other facilities or municipal police, fire, health, or other services;

(2) whether within the territory conditions exist, or there is reasonable prospect for future conditions to exist, which, if not subject to municipal control, would endanger the health or safety of residents;

(3) whether it is likely that future growth and development of the city or unified municipality will occur within the territory; and

(4) whether the territory is needed by the city or unified municipality for a legitimate public purpose.

(b) Territory may be detached from a city or unified municipality if the commission determines that the city or unified municipality has substantially failed or refused to provide needed services to the territory, and there is a substantial likelihood that it will continue to fail or refuse to provide the services, when such services are provided to other areas within the municipality and are supported by taxes levied in the area considered for detachment.

(c) The commission will, in its discretion, conduct public hearings or investigations after the effective date of an annexation to determine whether the extension of services or taxation or use of differential taxation zones is proceeding in a reasonable manner. If the commission determines that the extension of services or taxation or use of differential taxation zones is not progressing in a manner consistent with that set forth in the annexation petition, it will, in its discretion, begin detachment proceedings. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.100 is based on a former version of 19 AAC 05.050.

**19 AAC 10.110. APPLICATION OF STANDARDS.** (a) The commission will not approve a detachment unless the petitioners demonstrate to the satisfaction of the commission that the requirements of the territory for services will be met following the detachment.

(b) If, in fulfillment of the requirement of (a) of this section, petitioners have proposed incorporation of a new municipality, the commission may condition the approval of the detachment upon voter approval of the incorporation proposal. (Eff. 2/21/82, Register 81)

Authority: Art. X, S  
AS 44.47

**19 AAC 10.120 TIES.** (a) If territory organized borough which the assets between the city and borough. In making discretion, approval city and the organization proposed agreement

(b) If the territory unorganized borough which the assets distributed between detached and the state will, in its discretion city and the state

(c) If petitioner municipality before the newly formed territory was detached

(d) If, within the agreement specified be distributed between commission will responsibility and binding on the party

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Authority: Art. X,  
AS 44.4

Editor's notes. — based on former version 05.060 and 19 AAC



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Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.120. DISTRIBUTION OF ASSETS AND LIABILITIES.** (a) If territory sought to be detached is part of a city within an organized borough, the commission will determine the manner in which the assets and liabilities of the territory shall be distributed between the city from which it is being detached and the organized borough. In making this determination, the commission will, in its discretion, approve an equitable agreement between the detaching city and the organized borough but will independently review the proposed agreement.

(b) If the territory sought to be detached is part of a city within the unorganized borough, the commission will determine the manner in which the assets and liabilities of the territory being detached shall be distributed between the city from which the territory is being detached and the state. The commission, after an independent review, will, in its discretion, approve an equitable agreement between the city and the state.

(c) If petitioners have proposed that, following detachment, a new municipality be formed, the provisions of (a) of this section apply to the newly formed municipality and the municipality from which the territory was detached.

(d) If, within two years of the effective date of the detachment, an agreement specifying the manner by which assets and liabilities will be distributed has not been agreed to by the affected parties, the commission will enter an order providing for transfer of service responsibility and distribution of assets and liabilities which shall be binding on the parties affected.

(e) If in exercising its responsibilities under (d) of this section, the commission determines it necessary, the commission will, in its discretion, employ the services of professional accountants or consultants and charge the parties affected for the costs incurred. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.120 is based on former versions of 19 AAC 05.060 and 19 AAC 15.200.

**Article 5. Standards for Dissolution of Cities**

<p><b>Section</b> 130. Dissolution 140. Application of standards</p>	<p><b>Section</b> 150. Dissolution effected by annexation</p>
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**19 AAC 10.130. DISSOLUTION.** (a) A city may be dissolved if the city has no indebtedness, bonded or otherwise, or has proposed a method of repayment which will protect the interests of its creditors, and if the following standards are met:

(1) the city has ceased, for two or more consecutive years, to exercise any of the municipal powers set forth in AS 29.48.030 — 29.48.035;

(2) the city has failed to conduct two or more consecutive regular elections in the manner provided by law; and

(3) the city no longer meets the standards for incorporation as provided by law and regulation.

(b) The commission will, in its discretion, conduct a public hearing or an investigation after the effective date of an incorporation of a city to determine whether municipal services are being provided in a manner consistent with the timetable included in the petition for incorporation. If the commission determines that services are not being provided according to the timetable, the commission will, in its discretion, bring dissolution proceedings under 19 AAC 10.130 — 19 AAC 10.150. (Eff. 2/21/82, Register 81)

**Authority:** Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**Editor's notes.** — 19 AAC 10.130 is based on a former version of 19 AAC 05.090.

**19 AAC 10.140. APPLICATION OF STANDARDS.** (a) If the commission determines that it will recommend to the legislature that a city be dissolved, the city may not make an expenditure without first receiving the written approval of the commissioner.

(b) In the dissolution of a city within an organized borough, the assets of the city being dissolved become the assets of the borough in which it is located if the borough possesses and exercises the powers to which the assets of the city relate. If the borough does not possess and exercise the relevant powers, the assets of the city being dissolved become the assets of the state.

(c) In the dissolution of a city within the unorganized borough, the assets of the city being dissolved become the assets of the state.

(d) If the liabilities of a city being dissolved exceed the assets of the city, the taxable property within the city remains subject to taxation until the liabilities are paid. (Eff. 2/21/82, Register 81)

**Authority:** Art. X, S  
AS 44.47

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**Authority:** Art. X, S  
AS 44.47

**Editor's notes.** — based on a former v 05.100.

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19 AAC 10.150 COMMUNITY AND REGIONAL AFFAIRS 19 AAC 10.170

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.150. DISSOLUTION EFFECTED BY ANNEXA-  
TION.** Separate or additional proceedings are not required for dissolu-  
tion of a city in an area which has been annexed to another city; the  
dissolution is effected by and at the same time as the annexation. (Eff.  
2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

Editor's notes. — 19 AAC 10.150 is  
based on a former version of 19 AAC  
05.100.

### Article 6. Standards for Incorporation of Organized Boroughs

#### Section

160. Incorporation  
170. Application of standards

#### Section

189. Distribution of assets and liabilities

**19 AAC 10.160. INCORPORATION.** An area may incorporate  
as an organized borough if it meets the statutory standards set forth  
in AS 29.18.030 and meets the following specific requirements:

- (1) the area includes at least two separate communities;
- (2) transportation services are available at least once a week be-  
tween communities located within the area on a regularly sched-  
uled or charter basis, or communities located within the area which  
do not have regularly scheduled transportation services are con-  
nected by a highway system;
- (3) there are sufficient anticipated revenues to maintain and op-  
erate, at a minimum, the mandatory powers of the proposed bor-  
ough government;
- (4) there are at least 1,000 people located within the area; and
- (5) the area includes, at a minimum, one entire regional educa-  
tion attendance area unless the commission determines that a  
smaller area can otherwise meet borough government standards for  
incorporation. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.170. APPLICATION OF STANDARDS.** (a) The  
commission will not approve an incorporation unless the petitioners  
demonstrate to the satisfaction of the commission that the proposed  
borough is capable of providing and willing to provide the mandatory  
powers of an organized borough within three months of incorporation.

(b) The commission will not consider a petition for incorporation as a borough of an area whose boundaries include only a portion of a city.

(c) The commission will not consider a petition for incorporation of an area located partially or wholly within an organized borough or unified municipality until the petitioners have submitted, and the commission has approved, a petition for detachment of the area from the borough or unified municipality pursuant to 19 AAC 10.100 — 19 AAC 10.120 or 19 AAC 10.230 — 19 AAC 10.250. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.180. DISTRIBUTION OF ASSETS AND LIABILITIES.** (a) For the incorporation of an area located within an existing organized borough or city which provides services to the area, the commission will determine the method by which assets and liabilities are to be distributed between the newly incorporated borough, the former borough, and each city formerly providing services.

(b) Notwithstanding the provisions of (a) of this section, for the incorporation of an area which includes an organized city which provides mandatory borough powers, the newly incorporated borough succeeds to the assets and liabilities of the organized city as they relate to the mandatory powers being assumed by the borough.

(c) In determining the method of transfer of service responsibility and the distribution or transfer of assets and liabilities, the commission will, in its discretion, approve an equitable agreement between the municipalities affected but will independently review the proposed agreement.

(d) If, within two years of the date of incorporation, the newly incorporated borough and another municipality affected by the incorporation have failed to reach an agreement as to the method of transfer of service responsibility or the distribution or transfer of assets and liabilities, the commission will enter an order providing for the transfer of service responsibility and the distribution or transfer of assets and liabilities which shall be binding on the municipalities affected.

(e) If, in exercising its responsibilities under (c) of this section, the commission determines it necessary, the commission will, in its discretion, employ the services of professional accountants or consultants and charge the municipalities affected for the costs incurred. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

Article 7. Stan

Section  
185. Applicability  
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19 AAC 10.18  
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Authority: Art. X.  
AS 44.4

19 AAC 10.19  
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**Article 7. Standards for Annexation to Organized Boroughs**

**Section**  
 185. Applicability  
 190. Annexable territory  
 200. Application of standards

**Section**  
 210. Annexation of incorporated territory  
 220. Statutory standards

**19 AAC 10.185. APPLICABILITY.** The provisions of 19 AAC 10.190 -- 19 AAC 10.220 apply to a proposal for annexation by local action (19 AAC 10.630 — 19 AAC 10.730) or by legislative review (19 AAC 10.450 — 19 AAC 10.620). (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
 AS 44.47.55

**19 AAC 10.190. ANNEXABLE TERRITORY.** (a) Territory which is contiguous to an organized borough may be annexed to that borough if one or more of the following standards are met:

(1) the contiguous territory is totally surrounded by the organized borough's boundaries;

(2) the land in the territory is wholly owned by the organized borough;

(3) the territory is in need of municipal services which the organized borough can provide more efficiently than another municipality or the state;

(4) there is a reasonable likelihood that future growth and development will occur within the territory and annexation of the territory will enable the organized borough to plan for and control that development;

(5) the health, welfare, or safety of the residents of the organized borough is endangered by conditions existing or developing in the territory and annexation will enable the organized borough to remove or relieve those conditions;

(6) the extension into the territory of borough services or facilities is necessary to enable the organized borough to provide adequate service to residents of the organized borough, and it is impossible or impractical for the organized borough to extend the facilities or services unless the territory is within the organized borough's boundaries;

(7) residents or property owners within the territory receive or may be reasonably expected to receive, directly or indirectly, the benefit of organized borough services without commensurate property tax contributions, whether such services are rendered or received inside or outside the territory; or

(8) the annexation is otherwise necessary to accomplish a valid public purpose.

(b) Territory which is not contiguous to the borough may be annexed to the borough if

(1) the land in the territory is wholly owned or leased by the borough or used primarily for the performance of borough functions; and

(2) annexation is necessary to enable the borough to achieve adequate control, protection or management of the property.

(c) Contiguous territory which does not meet the requirements of (a) of this section may nevertheless be annexed to a borough if the territory lies between the borough boundary and noncontiguous territory which does meet the requirements of (a) of this section.

(d) In determining whether the standard established in (a)(7) of this section is met, the commission will consider alternate methods available to the borough for offsetting the cost of providing services to individuals or property beyond its property taxation powers.

(e) The commission will, in its discretion, conduct public hearings or investigations after a detachment to determine if the service requirements of the territory are being met. If the commission determines that the service requirements of the territory are not being met, it will, in its discretion, begin annexation proceedings under this chapter. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.190 is based on a former version of 19 AAC 05.110.

**19 AAC 10.200. APPLICATION OF STANDARDS.** The commission will not approve an annexation unless the annexing organized borough demonstrates to the satisfaction of the commission that it is capable of extending and willing to extend services to the annexed area in accordance with this subsection. If possible, areawide and non-areawide borough services shall be extended to the annexed area immediately. If the immediate extension of services is not possible, the commission must be satisfied that the services not immediately extended will be extended as soon as possible and that reasonable plans have been formulated for the capital expansion necessary for the extension of services. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.200 is based on a former version of 19 AAC 05.120.

**19 AAC 10.210C TERRITORY.** (a) If t another organized that the annexing sion will determin be distributed bet merly providing t

(b) In determin and the distributi its discretion, app palities affected t ment.

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**19 AAC 10.220** the requirements will approve and r tory to an organiz aries of the expan set forth in AS :

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Authority: Art. X. AS 44.47

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**19 AAC 10.210. ANNEXATION OF INCORPORATED TERRITORY.** (a) If the territory sought to be annexed includes part of another organized borough which is providing services to the territory that the annexing borough will provide upon annexation, the commission will determine the method by which assets and liabilities are to be distributed between the annexing borough and the borough formerly providing the service.

(b) In determining the method of transfer of service responsibility and the distribution of assets and liabilities, the commission will, in its discretion, approve an equitable agreement between the municipalities affected but will independently review the proposed agreement.

(c) Territory which is part of an organized borough may not be annexed to another borough unless the commission determines the annexation to be in the best interests of the annexing borough, the borough from which the annexed territory is taken, and the annexed territory.

(d) Separate or additional proceedings are not required for detachment of territory from an incorporated city or borough which becomes annexed to another borough. The detachment is affected by, and at the same time as, the annexation itself. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.210 is based on former versions of 19 AAC 05.130 and 19 AAC 15.040.

**19 AAC 10.220. STATUTORY STANDARDS.** (a) In addition to the requirements of 19 AAC 10.190 — 19 AAC 10.220, the commission will approve and recommend to the legislature the annexation of territory to an organized borough only if it finds that the resulting boundaries of the expanded borough conform substantially to the standards set forth in AS 29.18.030.

(b) In approving organized borough boundary changes, the commission, with the assistance of the department, will, if necessary, determine proposed assembly reapportionment plans applicable to the organized boroughs whose boundaries are to be affected by the change. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.220 is based on a former version of 19 AAC 05.140.

**Article 8. Standards for Detachment from Organized Boroughs**

Section  
225. Applicability  
230. Detachable territory

Section  
240. Application of standards  
250. Distribution of assets and liabilities

**19 AAC 10.225. APPLICABILITY.** The provisions of 19 AAC 10.230 — 19 AAC 10.250 apply to a proposal for detachment by local action (19 AAC 10.630 — 19 AAC 10.730) or by legislative review (19 AAC 10.455 — 19 AAC 10.620). (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.230. DETACHABLE TERRITORY.** (a) Territory which is a part of a borough may be detached from that borough if, in the determination of the commission, the detachment would be in the best interests of the state, the territory to be detached, and the borough affected by the detachment. In determining whether to approve a detachment, the commission will consider, but is not limited to, the following factors:

(1) whether the social, cultural and economic characteristics of the population of the territory are substantially different or in conflict with those of the remainder of the population located in the borough;

(2) whether the geographic location or configuration of the territory precludes the provision of borough services provided other areas of the borough or make the provision of borough services impractical;

(3) whether the lack of transportation facilities precludes the communication and exchange necessary for responsive and integrated local government.

(b) The commission will, in its discretion, conduct public hearings or investigations after the effective date of an annexation to determine whether the extension of services is progressing in a reasonable manner. If the commission determines that the extension of services is not progressing in a reasonable manner, it will, in its discretion, begin detachment proceedings. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.240. APPLICATION OF STANDARDS.** (a) The commission will not approve a detachment unless the petitioners demonstrate to the satisfaction of the commission that the service requirements of the territory will be met following the detachment.

(b) If, in fulfillment, the petitioners have provided the necessary information, the commission will determine whether the detachment is in the best interests of the state upon voter approval. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.250. TIES.** (a) If territory having authority by the borough shall determine the borough shall be detached from the borough, the commission shall determine whether the detachment is in the best interests of the state. (b) If territory not within a city services currently sought, the commission shall determine whether the detachment is in the best interests of the state. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**Article 9. Standards for Detachment from Organized Boroughs**

Section  
260. Dissolution  
270. Application of

**19 AAC 10.260.** has no indebtedness and the repayment which is required by the following standards: (1) the borough powers of a borough; (2) the borough regular elections; (3) the borough as provided by (b) The commission or investigation shall determine whether the detachment is in the best interests of the state in a manner consistent with the provisions of this article. If the commission determines that the detachment is in the best interests of the state, it shall proceed in a



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(b) If, in fulfilling the requirement of (a) of this section, the petitioners have proposed the incorporation of a new municipality, the commission will, in its discretion, condition approval of the detachment upon voter approval of the incorporation proposal. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

19 AAC 10.250. DISTRIBUTION OF ASSETS AND LIABILITIES. (a) If territory sought to be detached consists entirely of a city having authority and responsibility for the powers formerly provided by the borough from which detachment is sought, the commission shall determine the manner in which the assets and liabilities of the borough shall be distributed between it and the detaching city.

(b) If territory sought to be detached consists entirely of territory not within a city or consists of a city not having authority to provide services currently provided by the borough from which detachment is sought, the commission shall determine the manner in which the assets and liabilities of the municipality from which detachment is sought shall be distributed between it and the state. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Article 9. Standards for Dissolution of Organized Boroughs

Section	Section
260. Dissolution	280. Dissolution effected by annexation
270. Application of standards	

19 AAC 10.260. DISSOLUTION. (a) A borough may dissolve if it has no indebtedness, bonded or otherwise, or has proposed a method of repayment which will protect the interest of its creditors and if the following standards are met:

- (1) the borough has ceased to exercise all of the mandatory powers of a borough;
- (2) the borough has failed to conduct two or more consecutive regular elections in the manner provided by law; and
- (3) the borough no longer meets the standards for incorporation as provided by law and regulation.

(b) The commission will, in its discretion, conduct public hearings or investigations after the effective date of an incorporation to determine whether the provision of the municipal services is proceeding in a manner consistent with that outlined in the petition for incorporation. If the commission determines that the provision of services is not proceeding in a manner consistent with that outlined in the petition,

the commission will, in its discretion, begin dissolution proceedings. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.270. APPLICATION OF STANDARDS.** (a) If the commission determines that it will recommend to the legislature that a borough be dissolved, the borough may not make an expenditure without first receiving the written approval of the commissioner.

(b) The assets of the borough being dissolved become the assets of the state.

(c) If the liabilities of a borough being dissolved exceed the assets of the borough, the taxable property within the borough remains subject to taxation until the liabilities are paid. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.280. DISSOLUTION EFFECTED BY ANNEXTION.** Separate or additional proceedings are not required for dissolution of a borough which has been annexed in its entirety by another borough. The dissolution is effected by and at the same time as the annexation itself. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

### Article 10. Standards for Merger of Municipalities

Section  
290. Merger  
300. Dissolution effected by merger

**19 AAC 10.290. MERGER.** Two or more municipalities may merge if, upon completion of the merger, the remaining municipality meets the applicable standards for incorporation set forth by law and regulation. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.300. DISSOLUTION EFFECTED BY MERGER.** Separate or additional proceedings are not required for dissolution of a municipality which merges with another municipality. The dissolution is effected by and at the same time as the merger itself. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

### Article 11. St

Section  
310. Consolidation  
320. Dissolution effect

**19 AAC 10.310**  
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Authority: Art. X, S  
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Authority: Art. X, S  
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### Article 12. Pro

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330. Petition  
340. Form and conte  
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360. Briefs  
370. Service  
380. Notice of petition

**19 AAC 10.320**  
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Article 11. Standards for Consolidation of Municipalities

Section

310. Consolidation

320. Dissolution effected by consolidation

19 AAC 10.310. CONSOLIDATION. Two or more municipalities may consolidate if the newly created municipality meets the applicable standards for incorporation set forth by law and regulation. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

19 AAC 10.320. DISSOLUTION EFFECTED BY CONSOLIDATION. Separate or additional proceedings are not required for dissolution of municipalities which consolidate, but the dissolution is effected by and at the same time as the consolidation itself. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Article 12. Procedures for Incorporation of Municipalities

Section

325. Applicability

330. Petition

340. Form and contents

350. Exhibits

360. Briefs

370. Service

380. Notice of petition

Section

390. Answering brief

400. Call for hearing

410. Reply brief

420. Hearing

430. Decisional meeting

440. Public meetings

19 AAC 10.325. APPLICABILITY. The provisions of 19 AAC 10.330 — 19 AAC 10.450 apply to a proposal for incorporation of a city or a borough. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

19 AAC 10.330. PETITION. A request for incorporation of territory is initiated by filing a petition and supporting brief with the commissioner. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.340. FORM AND CONTENTS.** (a) The petition shall be addressed to the commission and shall bear a caption which states the name and class of the proposed municipality and the authority under which the action is initiated.

(b) In addition to the information required by AS 29.18.050, the petition shall contain the following:

- (1) the number of residents within the territory;
- (2) the assessed or estimated value of all taxable property within the territory, giving separate totals for real and personal property;
- (3) the rate, if any, at which real and personal property are taxed in the territory;
- (4) the rate, if any, of the sales tax levied and collected in the territory;
- (5) the amount and a full explanation of the outstanding bonded indebtedness for which the territory is wholly or partially responsible; and
- (6) the quantity of land contained in the territory.

(Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.350. EXHIBITS.** (a) The petitioners shall append the following exhibits to the petition:

- (1) a map or maps showing
  - (A) the boundaries of the proposed municipality; and
  - (B) sufficient detail to define the streets and roadways;
- (2) an affidavit of the petitioner, or his representative, indicating the source from which the information contained in the petition was acquired and stating that a census or other reliable enumeration of the territory was conducted by him, or under his direct supervision, specifying the dates when the census or enumeration was begun and completed and verifying that it was taken accurately; and
- (3) a schedule setting forth the approximate dates upon which the municipality will begin providing municipal services, whether mandatory or anticipated, together with a description of the services to be provided during the first full fiscal year of operation and the level of service to be provided.

(b) If a proposed municipality is within an organized borough, the petitioner shall append the following exhibits to the petition:

- (1) a copy of the agreements, if any, entered into with an existing municipality regarding the transitional provision of services and the distribution of assets and liabilities;
- (2) a map and legal description of any borough service area located wholly or partially within the proposed municipality; and

(3) the affidavit of the petitioner  
10.370.

(c) Maps submitted in color are prohibited.

(d) If an official, state, or municipal, in lieu of the census of 2/21/82, Register

Authority: Art. X, AS 44.

**19 AAC 10.3** written brief. The proposed incorporation standards for incorporation — 19 AAC 10.05 — 19 AAC 10.0

Authority: Art. X, AS 44.

**19 AAC 10.3** mail, serve a copy of exhibits, to service shall be the commission.

(b) The petition to be available in place in or near 10.350 shall specify available for in

Authority: Art. X, AS 44.

**19 AAC 10.3** notice from the department, the petition be published in if a newspaper or at least three publications specified by of the proposed

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The petition shall contain a description which states the territory and the authority

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of the services to be provided in the territory; and the name of the person who is to be responsible for the provision of services and

the service area location of the territory; and

19 AAC 10.360 COMMUNITY AND REGIONAL AFFAIRS 19 AAC 10.380

(3) the affidavit of the petitioner or his representative that service of the petition has been made in compliance with 19 AAC 10.370.

(c) Maps submitted as exhibits to copies of the petition shall conform in color and other distinguishing markings to the original exhibit.

(d) If an official census has been made of the territory by the federal, state, or municipal government within three years of the date of the petition, a copy of that census may be attached to the petition in lieu of the census affidavit required by (a)(2) of this section. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.360. BRIEFS.** The petition must be accompanied by a written brief. The brief shall fully set forth the reasons supporting the proposed incorporation and shall demonstrate that the area meets the standards for incorporation set forth in AS 29.18 and 19 AAC 10.010 — 19 AAC 10.030, or in the case of a development city 19 AAC 10.040 — 19 AAC 10.060. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.370. SERVICE.** (a) The petitioner shall, by certified mail, serve a copy of the petition and brief, together with accompanying exhibits, to every municipality in or adjoining the territory. The service shall be made at the same time that the petition is filed with the commissioner.

(b) The petitioner shall arrange for the petition, exhibits, and brief to be available for inspection by the general public at a designated place in or near the territory. The affidavit required under 19 AAC 10.350 shall specify the exact location where and when the petition is available for inspection. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.380. NOTICE OF PETITION.** (a) Upon receipt of notice from the department that the petition and brief have been accepted, the petitioner shall cause notice of the filing of the petition to be published in a newspaper of general circulation in the territory, or if a newspaper of general circulation is not available, post notice in at least three public and prominent locations. The notice shall be in the form specified by the commissioner; shall include a brief explanation of the proposed incorporation, the name and class of the proposed

municipality, and a general description of its boundaries; and shall indicate the place where the petition and brief may be inspected by the public as provided by 19 AAC 10.370. In addition, the notice shall advise persons that they may file an answering brief pursuant to 19 AAC 10.390 and that they may submit written comments on the proposal to the department.

(b) The petitioner shall furnish the commissioner with proof of compliance with (a) of this section. Upon receipt of the proof, the commissioner shall submit the petition and brief to the commission.

(c) A petition filed with the commissioner may not be considered to be pending before the commission until the petition and brief have been submitted to the commissioner pursuant to this section. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.390. ANSWERING BRIEF.** (a) A person or entity residing or owning property in the territory proposed for incorporation or the governing body of a municipality may file a brief in opposition to the proposed incorporation. The original of the brief shall be filed with the commissioner together with proof that one copy was served upon the petitioner or his designated representative.

(b) A person, entity, or municipality filing an answering brief shall be designated a respondent.

(c) The answering brief shall indicate any factual information thought to be incorrectly or incompletely presented in the petition or petitioner's brief and shall demonstrate the manner in which the proposed municipality fails to satisfy the standards required by this chapter. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.400. CALL FOR HEARING.** The commission will establish a time and place for a hearing regarding the proposed incorporation which shall be held in or near the territory proposed for incorporation. The commission will publish notice of the hearing at least 15 days before the date of the hearing, at least three times in a newspaper of general circulation in the territory, through other news media, or by posting in a public place, whichever is most feasible. At least 15 days before the date of the hearing, the commission shall cause notice of the hearing to be served by certified mail upon:

- (1) the municipalities specified in 19 AAC 10.370;
- (2) the petitioner or his representative; and
- (3) any person, entity, or municipality who has filed an answering brief pursuant to 19 AAC 10.390. (Eff. 2/21/82, Register 81)

Authority: Art. X, §  
AS 44.47

**19 AAC 10.410C.**  
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Authority: Art. X, §  
AS 44.47

**19 AAC 10.420.**  
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/82, Register 81)

19 AAC 10.410 COMMUNITY AND REGIONAL AFFAIRS 19 AAC 10.420

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.410. REPLY BRIEF.** Before the hearing described in 19 AAC 10.400 is held, the petitioner may file a brief in reply to any new matter raised in an answering brief. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.420. HEARING.** (a) At a hearing held pursuant to 19 AAC 10.400, the petitioner shall first proceed to support the petition through exhibits, testimony, and other means which bear upon the issues raised by the petition. The presentation shall proceed in substantially the following manner:

- (1) the presentation shall be conducted by the petitioner or his designated representative;
- (2) the presentation shall be opened with a brief discussion of the reason for and the nature of the proposed incorporation;
- (3) at the conclusion of the opening statement, the petitioner shall submit a list of the persons who will give statements in support of the petition; and
- (4) the petitioner shall proceed to conduct his presentation in the manner indicated in his outline; however, the chairman of the commission may allow the petitioner to deviate from his outlined presentation.

(b) Upon completion of the petitioner's presentation, each respondent shall proceed, in the manner established by the chairman and in the same manner as prescribed for the petitioner, to present his views. The respondent's presentation shall include the information and arguments which the respondent wishes to advance in rebuttal of the petitioner's presentation.

(c) The petitioner may rebut the respondent's presentation. Upon completion of the petitioner's rebuttal, the commission will hear views of interested persons who are not petitioners or respondents. To obtain the floor, a person must be recognized by the chairman and must state his name, address, and the nature of his interest. A person purporting to speak on behalf of a municipality shall demonstrate his authority to do so. The chairman may impose a reasonable limitation of the time allotted to each speaker and may curtail repetitive and irrelevant statements.

(d) Members of the commission may at any time pose questions or comment on matters raised during the hearing. Representatives of the department, with consent of the chairman, may pose questions or comment on matters raised during the hearing.

(e) The chairman may temporarily suspend the order of proceedings set forth in this section to allow rebuttal, counterrebuttal, or general

public comment on a particular issue or issues. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.430. DECISIONAL MEETING.** (a) Within 90 days after a public hearing held pursuant to 19 AAC 10.400, the commission shall convene a decisional meeting to examine all aspects of the written and oral testimony before it, to consider other relevant and reliable information available to it, and to enter a decision. A majority of the total membership of the commission voting in favor of accepting a proposed incorporation is needed to decide the issue. The votes for and against the proposed incorporation shall be recorded. A petition is rejected if not accepted. If unable to meet as one body, the commission will, in its discretion, provide for a conference telephone or radio phone decisional meeting open to the public at a time and place to be determined by the commission.

(b) The commission will keep written minutes summarizing its decisional meetings. The minutes approved by the commission are a public record. The votes taken by the commission shall be entered into the minutes.

(c) Within 30 days after the date of reaching its decision, the commission will prepare a written statement of its decision, including an explanation of the major considerations upon which it relied in reaching its decision.

(d) The commission will immediately mail its written decision to the petitioner and to other interested parties who give written notice that they desire a copy of the decision. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

**19 AAC 10.440. PUBLIC MEETINGS.** The commission will, in its discretion and before consideration of a petition requesting incorporation of a municipality, require a petitioner to conduct informational meetings or hearings in the area proposed for incorporation to acquaint the residents of the area with the purposes sought to be accomplished and the benefits which are expected to be derived by the residents should the incorporation be made and to solicit public opinions on the proposed incorporation. The commission will, in its discretion, require that transcripts or minutes be taken of the meetings or hearings for the commission's use and require that the petitioner's representative certify to the commission that the meetings or hearings were conducted as directed by the commission. (Eff. 2/21/82, Register 81)

Authority: Art. X.  
AS 44.

Article

- Section
- 450. Applicability
- 460. Petition
- 470. Petitioner
- 480. Form and content
- 490. Exhibits
- 500. Briefs
- 510. Service
- 520. Review of petition
- 530. Notice of petition

19 AAC 10.4  
10.460 — 19 AAC  
ceeding initiated  
(Eff. 2/21/82, Register 81)

Authority: Art. X.  
AS 44.

19 AAC 10.4  
boundary change  
by filing an original  
with the commission

Authority: Art. X.  
AS 44.

Editor's notes. -  
based on a former  
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19 AAC 10.4:  
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solved, or in a  
(4) the commission  
(b) The person  
the petitioner. (

Authority: Art. X.  
AS 44.



Eff. 2/21/82, Register

(a) Within 90 days of 10.400, the commission shall consider all aspects of the petition and other relevant information and make a decision. A majority of the commission shall be in favor of accepting the petition. The votes for and against shall be recorded. A petition is not valid unless the commission has been notified by telephone or radio of the time and place to be

...arizing its decision, the commission shall be entered into the public record.

...decision, the commission, including any member who it relied in reaching its decision, shall

...written decision to give written notice of the decision. (Eff. 2/21/82, Register 81)

...ommission will, in conducting its business, request incorporation or conduct information for incorporation to be sought to be derived by the commission. The commission shall solicit public opinion and shall, in its discretion, hold public hearings or meetings at the petitioner's request. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.980

### Article 13. Procedures for Boundary Changes Requiring Legislative Review

<b>Section</b>	<b>Section</b>
450. Applicability	540. Call for hearing
460. Petition	550. Answering brief
470. Petitioner	560. Reply brief
480. Form and contents	570. Department report
490. Exhibits	580. Hearing and decisional meeting
500. Briefs	590. Noncompliance
510. Service	600. Determination of procedure
520. Review of petition	610. Certification of boundary changes
530. Notice of petition	620. Public meetings

**19 AAC 10.450. APPLICABILITY.** The provisions of 19 AAC 10.460 — 19 AAC 10.620 apply to an annexation or detachment proceeding initiated pursuant to AS 44.47.567(b)(2) and AS 29.68.010(a). (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.460. PETITION.** A request for a local government boundary change under 19 AAC 10.450 — 19 AAC 10.620 is initiated by filing an original and six copies of a petition and supporting brief with the commissioner. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.460 is based on a former version of 19 AAC 10.010.

**19 AAC 10.470. PETITIONER.** (a) A petition may be initiated by

- (1) the governing body of a municipality whose boundaries are to be changed;
- (2) the governing body of an organized borough in which the territory is located;
- (3) at least 10 percent of the registered voters residing in the territory to be annexed or detached, in the municipality to be dissolved, or in each municipality to be merged or consolidated;
- (4) the commissioner.

(b) The person or entity initiating the petition shall be designated the petitioner. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.470 is based on a former version of 19 AAC 10.020.

**19 AAC 10.480. FORM AND CONTENTS.** (a) The petition shall be addressed to the commission and shall bear a caption which clearly identifies the nature of the boundary change and the municipality or municipalities whose boundaries are to be changed.

(b) The petition shall contain the following information about the territory:

(1) the name and residence address or mailing address of each petitioner;

(2) the name, telephone number, and mailing address of the representative designated by the petitioner to receive service, notice, and other correspondence relating to the proceedings on behalf of the petitioner;

(3) a legal boundary description;

(4) a legal description of the boundaries of the municipality should the boundary change be effected;

(5) the assessed or estimated value of taxable property, giving separate totals for real and personal property;

(6) the number of residents in the territory;

(7) the rate or rates at which real and personal property are taxed;

(8) the rate or rates of sales and use taxes levied and collected;

(9) the amount and a full explanation of the outstanding bonded indebtedness for which the territory is wholly or partially responsible;

(10) the population and area of the municipality affected by the proposed boundary change. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.56i

Editor's notes. — 19 AAC 10.480 is based on a former version of 19 AAC 10.030.

**19 AAC 10.490. EXHIBITS.** (a) The petitioner shall append to the petition the following exhibits:

(1) a map or maps showing

(A) the present boundaries of the municipality whose boundaries are to be changed and the boundaries of the municipality if the proposed boundary change becomes effective; and

(B) sufficient detail to define the streets and roadways of the municipality;

(2) an affidavit of the petitioner, or his representative who prepared the petition, indicating the source from which the information

contained in the other reliable evidence under his direction or enumeration taken accurately

(3) a copy of municipality redistribution of

(4) a certified municipality to

(5) the affidavit of the petitioner 10.510.

(b) Maps submitted in color and exhibit.

(c) If an official, state, or municipal, the petition, a copy of the census 2/21/82, Register

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.56j

Editor's notes. — based on a former version of 10.040.

**19 AAC 10.500.** written brief. The petition meets the application or detachment additional information of the petition

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.56k

Editor's notes. — based on a former version of 10.050.

**19 AAC 10.510.** mail, serve a copy of the petition including exhibits, upon



The petition shall contain information which clearly identifies the municipality or other entity.

Information about the

street address of each

street address of the representative, service, notice, and other matters on behalf of

the municipality

property, giving

all real property are

located and collected; outstanding bonded debt; and partially responsible

for property affected by the provisions of AS 10.81)

The petition shall append to

the petition a copy of the boundary map of the municipality if available; and

a list of roadways of the

municipality and its representative who prepared the information

contained in the petition was acquired and stating that a census or other reliable enumeration of the territory was conducted by him or under his direct supervision, specifying the dates when the census or enumeration was begun and completed and verifying that it was taken accurately;

(3) a copy of the agreements, if any, entered into with another municipality regarding the transitional provision of services and distribution of assets and liabilities;

(4) a certified copy of the resolution or ordinance authorizing the municipality to file the petition if the petitioner is a municipality;

(5) the affidavit of the petitioner or his representative that service of the petition has been made in compliance with 19 AAC 10.510.

(b) Maps submitted as exhibits to copies of the petition shall conform in color and other distinguishing markings to the original exhibit.

(c) If an official census has been made of the territory by the federal, state, or municipal government within three years of the date of the petition, a copy of that census may be appended to the petition in lieu of the census affidavit required under (a)(2) of this section. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const. AS 44.47.567

Editor's notes. — 19 AAC 10.490 is based on a former version of 19 AAC 10.040.

**19 AAC 10.500. BRIEFS.** The petition must be accompanied by a written brief. The brief shall fully set forth the reasons supporting the boundary change and shall demonstrate that the boundary change meets the applicable standards established in this chapter for annexation or detachment. The commission will, in its discretion, require additional information which it determines will be useful for evaluation of the petition. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const. AS 44.47.567

Editor's notes. — 19 AAC 10.500 is based on a former version of 19 AAC 10.050.

**19 AAC 10.510. SERVICE.** (a) The petitioner shall, by certified mail, serve a copy of the petition and brief, together with accompanying exhibits, upon every municipality in or adjoining the territory.

The service shall be made at the same time that the petition is filed with the commissioner.

(b) The petitioner shall arrange that the petition, exhibits, and brief will be available for inspection by the general public at a designated place in or near the territory. The affidavit required under 19 AAC 10.490 shall specify the exact location where and when the petition is available for inspection. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.510 is based on a former version of 19 AAC 10.060.

**19 AAC 10.520. REVIEW OF PETITION.** (a) The department will review the petition and brief and determine whether they

(1) are in substantially the proper form; and

(2) contain the factual information required by this chapter.

(b) If the department determines that the petition or brief is deficient as to form or content, it will return the defective petition or brief for correction or completion. If the department determines that the petition and brief are in substantial compliance with these regulations, it will notify the petitioner that the petition and brief have been accepted. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.520 is based on a former version of 19 AAC 10.070.

**19 AAC 10.530. NOTICE OF PETITION.** (a) Upon receipt of notice from the department that the petition and brief have been accepted, the petitioner shall cause notice of the filing of the petition to be published in a newspaper of general circulation in the territory. The notice shall be in the form specified by the commissioner; shall include a brief explanation of the proposed boundary change, the name of the petitioner, and the name of each municipality whose boundaries are to be changed; and shall indicate the place where the petition and brief may be inspected by the public as provided in 19 AAC 10.510. Additionally, the notice shall advise persons that they may file an answering brief pursuant to 19 AAC 10.550 in response to the proposal or that they may submit written comments to the department.

(b) The petitioner's compliance with (a) of this section shall submit

(c) A petition filed while pending before the commissioner shall have been submitted to the commissioner on or before 2/21/82, Register 81)

Authority: Art. X, Sec.  
AS 44.47.56

Editor's notes. — 19 AAC 10.080 is based on a former version of 10.080.

**19 AAC 10.540. C** (a) The commissioner shall establish a time and place for the hearing and shall publish notice of the hearing at least ten days before the hearing in the territory, through the newspaper of general circulation in the territory, whichever is more convenient. The commissioner shall cause notice of the hearing to be published in the following order:

(1) the municipality

(2) the petitioner

(3) any person or entity  
pursuant to 19 AAC 10.540.

Authority: Art. X, Sec.  
AS 44.47.567

Editor's notes. — 19 AAC 10.090 is based on a former version of 10.090.

**19 AAC 10.550. A** (a) A person, entity, or municipality siding or owning property in opposition to the proposed boundary change shall file a written brief with the commissioner. A copy of the brief shall be filed with the newspaper of general circulation in the territory where the copy was served upon the petitioner.

(b) A person, entity, or municipality shall be designated a respondent if it is

(c) The answering brief shall be thought to be incorrect if it contradicts the petitioner's brief. The commissioner shall cause notice of the proposed boundary change to be published in the following order:

that the petition is filed

petition, exhibits, and  
general public at a desig-  
nated place as required under 19  
AAC 10.530 and when the peti-  
tion is filed. (Eff. 2/21/82, Register 81)

N. (a) The department shall determine whether they are satisfied with the petition; and (b) Upon receipt of a petition or brief is defective petition or brief, the department determines that the petition is in compliance with these regulations and a hearing is held. (Eff. 2/21/82, Register 81)

(b) The petitioner shall furnish the commissioner with proof of compliance with (a) of this section. Upon receipt of the proof, the commissioner shall submit the petition and brief to the commission.

(c) A petition filed with the commissioner may not be considered to be pending before the commission until the petition and brief have been submitted to the commissioner pursuant to this section. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.530 is based on a former version of 19 AAC 10.080.

19 AAC 10.540. CALL FOR HEARING. The commission will establish a time and place for a hearing concerning a proposed boundary change which shall be held in or near the territory. The commission will publish notice of the hearing at least 15 days before the date of the hearing at least three times in a newspaper of general circulation in the territory, through other news media, or by posting in a public place, whichever is most feasible. At least 15 days before the date of the hearing, the commission will give public notice of the hearing and cause notice of the hearing to be served by certified mail upon

- (1) the municipalities specified in 19 AAC 10.510;
- (2) the petitioner or his representative; and
- (3) any person or municipality who has filed an answering brief pursuant to 19 AAC 10.550. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.540 is based on a former version of 19 AAC 10.090.

19 AAC 10.550. ANSWERING BRIEF. (a) A person or entity residing or owning property in the territory, or the governing body of a municipality affected by a proposed boundary change may file a brief in opposition to the proposed boundary change. The original of the brief shall be filed with the commissioner together with proof that one copy was served upon the petitioner or his designated representative.

(b) A person, entity, or municipality filing an answering brief shall be designated a respondent.

(c) The answering brief shall indicate the factual information thought to be incorrectly or incompletely presented in the petition or the petitioner's brief and shall demonstrate the manner in which the proposed boundary change fails to satisfy the appropriate standards

prescribed in this chapter. The brief shall include a discussion of the considerations set forth in 19 AAC 10.500. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.560 is based on a former version of 19 AAC 10.100.

**19 AAC 10.560. REPLY BRIEF.** Before a hearing is held pursuant to 19 AAC 10.540, the petitioner may file a brief in reply to any new matter raised in an answering brief. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.560 is based on a former version of 19 AAC 10.110.

**19 AAC 10.570. DEPARTMENT REPORT.** The department will prepare a report on the proposed boundary change. The report will summarize the issues raised in the petition and briefs and may comment upon those issues or any other issue which the department considers relevant to the proposal. The report will contain recommendations to the commission. The report will be filed with the commission before the date of the hearing established under 19 AAC 10.540. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.570 is based on a former version of 19 AAC 10.120.

**19 AAC 10.580. HEARING AND DECISIONAL MEETING.** The commission's public hearing and decisional meeting concerning a proposed boundary change will be conducted in the manner set forth in 19 AAC 10.420 — 19 AAC 10.430. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.580 is based on former versions of 19 AAC 10.130 and 19 AAC 10.140.

**19 AAC 10.590.** its discretion, waive substantial rights or waiver. A deviation waived by the commission (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec.  
AS 44.47.56

Editor's notes. — 19 AAC 10.590 is based on a former version of 10.150.

**19 AAC 10.600.** there are alternative commission will select under the circuit

Authority: Art. X, Sec.  
AS 44.47.56

Editor's notes. — 19 AAC 10.600 is based on a former version of 10.160.

**19 AAC 10.610. CHANGES.** Within a reasonable time, the department will advise the municipality if the department will change. The department will change the recording district (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec.  
AS 44.47.56

Editor's notes. — 19 AAC 10.610 is based on a former version of 10.170.

**19 AAC 10.620.** its discretion, and boundary change, require municipalities to conduct hearings with the purpose which are expected change be made and carry change. The commission

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1/82, Register 81)

19 AAC 10.590 COMMUNITY AND REGIONAL AFFAIRS 19 AAC 10.620

**19 AAC 10.590. NONCOMPLIANCE.** The commission will, in its discretion, waive compliance with the regulations of this chapter if substantial rights of interested parties are not prejudiced by the waiver. A deviation from the procedures set forth in this chapter is waived by the commission unless the commission or a party objects. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.590 is based on a former version of 19 AAC 10.150.

**19 AAC 10.600. DETERMINATION OF PROCEDURE.** If there are alternative procedures for effecting a boundary change, the commission will select the procedure which it considers most appropriate under the circumstances. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.600 is based on a former version of 19 AAC 10.160.

**19 AAC 10.610. CERTIFICATION OF BOUNDARY CHANGES.** Within 30 days after a boundary change becomes effective, the department will prepare a certificate of the new boundaries. The department will transmit duplicate originals of the certificate to the municipality or municipalities whose boundaries have been changed. The department will also record a copy of the certificate in the recording district in which the boundary change has taken place. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.610 is based on a former version of 19 AAC 10.170.

**19 AAC 10.620. PUBLIC MEETINGS.** The commission will, in its discretion, and before considering a petition requesting a boundary change, require municipalities whose boundaries are proposed to be changed to conduct meetings or hearings in the area to acquaint residents with the purposes sought to be accomplished and the benefits which are expected to be derived by residents should the boundary change be made and to solicit public opinions on the proposed boundary change. The commission will, in its discretion, require that tran-

scripts or minutes be taken of the meetings or hearings for the commission's use and require that the municipality certify to the commission that such meetings or hearings were conducted as directed by the commission. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.620 is based on a former version of 19 AAC 10.180.

**Article 14. Procedures for Boundary Changes by Local Action**

<b>Section</b>	<b>Section</b>
630. Application of provisions	670. Notice of election
640. Filing of petition	680. Conduct of election
642. Department review of petition	690. Form of ballot
645. Review by local boundary commission	700. Canvassing of election
650. Annexation without election	710. Effective date of boundary change
660. Annexation or detachment by election	720. Annexation of municipally owned property
	730. Timeliness

**19 AAC 10.630. APPLICATION OF PROVISIONS.** The provisions of 19 AAC 10.460 — 19 AAC 10.530 apply to boundary changes under 19 AAC 10.630 — 19 AAC 10.730. However, at least 25 percent of the registered voters of the territory must petition for a boundary change under 19 AAC 10.630 — 19 AAC 10.730, rather than the 10-percent requirement provided by 19 AAC 10.470(3). The provisions of 19 AAC 10.630 — 19 AAC 10.730 apply to local boundary changes authorized under AS 29.68.040(b). (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.630 is based on former versions of 19 AAC 15.010, 19 AAC 15.020, 19 AAC 15.030, 19 AAC 15.170, 19 AAC 15.180 and 19 AAC 15.190.

**19 AAC 10.640. FILING OF PETITION.** A petition initiated by 25 percent or more of the registered voters of the territory shall be filed with the clerk of the municipality affected by the proposed boundary change. Within 14 calendar days of the receipt of the petition, the governing body of the municipality shall conduct a public review of the petition. Within 14 calendar days following the public review, the municipality shall forward the petition, exhibits, and related materials, together with a report of its findings and recommendations concerning the petition, to the department. A petition initiated by the governing body of a municipality shall be forwarded, along

with other requi  
2/21/82, Register

Authority: Art. X, S  
AS 44.47.

Editor's notes. —  
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15.050 and 19 AAC 1

**19 AAC 10.642**

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Authority: Art. X, Se  
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**19 AAC 10.645.**  
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19 AAC 10.630 —  
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Authority: Art. X, Sec  
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19 AAC 10.640

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19 AAC 10.642 COMMUNITY AND REGIONAL AFFAIRS 19 AAC 10.645

with other required materials, directly to the department. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.640 is based on former versions of 19 AAC 15.050 and 19 AAC 15.210.

**19 AAC 10.642. DEPARTMENT REVIEW OF PETITION.** (a) The department shall review the petition and brief and determine whether they are in substantially the proper form and contain the factual information required by 19 AAC 10.630 — 19 AAC 10.730. If the department determines that the petition is deficient as to form or content, it will return the defective petition for correction or completion. If the department determines that the petition is deficient as to form or content, it will return the defective petition for correction or completion. If the department determines that the petition is in substantial compliance with these regulations, it will so notify the petitioner.

(b) The action required by the department in (a) of this section will be accomplished in no more than 30 working days from the date the department receives the petition. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.642 is based on former versions of 19 AAC 15.060 and 19 AAC 15.220.

**19 AAC 10.645. REVIEW BY LOCAL BOUNDARY COMMISSION.** (a) A decision of the commission on a petition submitted under 19 AAC 10.630 — 19 AAC 10.730 will be rendered within 30 days of receipt of the petition from the department. The commission will, in its discretion, act by telephone or mail. However, noncompliance with the time limit established in this subsection for commission action will not affect the validity of a resulting boundary change.

(b) Notwithstanding other provisions of this chapter, if the commission determines that a proposed boundary change is of compelling public importance or if the interests of an individual or organization may not be properly protected the commission will, in its discretion and without limitation, require that the petition be acted upon pursuant to 19 AAC 10.450 — 19 AAC 10.620. If the determination is made, the commission will schedule public hearings within 45 days, and will notify the petitioner of its determination. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567



Editor's notes. — 19 AAC 10.645 is based on former versions of 19 AAC 15.070 and 19 AAC 15.230.

**19 AAC 10.650. ANNEXATION WITHOUT ELECTION.** (a) Notwithstanding the provisions of 19 AAC 10.660 — 19 AAC 10.710, an area adjoining a municipality may be annexed by ordinance of the municipality if all property owners and registered voters within the area petition the assembly or council for annexation.

(b) If an annexation petition is submitted pursuant to AS 29.68.010(b)(3) and this chapter, the department will determine whether the requisite signatures have been obtained. The department shall notify the assembly or council whether the petition is in accordance with this section and if it is in accordance with this section and the commission does not object to the annexation within 30 days, the annexation is effective upon the date of the notification.

(c) For the purposes of this section, "property owners" means all persons or entities necessary to convey fee title to the real property in question but does not include mortgagees, trustees, beneficiaries under deeds of trust, or the federal, state, or any municipal government. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.650 is based on a former version of 19 AAC 15.140.

**19 AAC 10.660. ANNEXATION OR DETACHMENT BY ELECTION.** Not less than 60 nor more than 90 days after the notification required by 19 AAC 10.670, the assembly or council shall submit the proposition to the voters in the area proposed to be annexed or detached. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.660 is based on former versions of 19 AAC 15.080 and 19 AAC 15.240.

**19 AAC 10.670. NOTICE OF ELECTION.** The assembly or council of a municipality which receives a petition for a boundary change under 19 AAC 10.660 — 19 AAC 10.710 shall give notice of an election by publication in a newspaper of general circulation in the territory proposed to be annexed or detached once each week for a

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- (1) the proposition to be submitted;
- (2) the boundaries of the territory to be annexed or detached; and
- (3) any provision or agreement governing distribution of liabilities or assets. (Eff. 2/21/82, Register 81)

**Authority:** Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**Editor's notes.** — 19 AAC 10.670 is based on a former version of 19 AAC 15.090.

**19 AAC 10.680. CONDUCT OF ELECTION.** Except as otherwise provided in this chapter, the assembly or council of the municipality affected by the proposed boundary change shall conduct the election in the manner prescribed by its election code. The municipality whose boundaries would be affected shall pay the election costs. (Eff. 2/21/82, Register 81)

**Authority:** Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**Editor's notes.** — 19 AAC 10.680 is based on former versions of 19 AAC 15.100 and 19 AAC 15.260.

**19 AAC 10.690. FORM OF BALLOT.** The assembly or council shall place upon the ballot the following proposition: "Shall the following described territory be annexed (detached) to (from) the (name of municipality) .....? Yes or No." (Eff. 2/21/82, Register 81)

**Authority:** Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**Editor's notes.** — 19 AAC 10.690 is based on former versions of 19 AAC 15.110 and 19 AAC 15.270.

**19 AAC 10.700. CANVASSING OF ELECTION.** The assembly or council shall meet within 10 days of the election and canvass the votes cast. The assembly or council shall issue a certificate showing the number of votes cast in favor of the proposal and the number of

votes cast against. The certificate, together with the ballots cast, shall immediately be filed with the clerk of the municipality and a copy forwarded to the department. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.700 is based on former versions of 19 AAC 15.120 and 19 AAC 15.280.

**19 AAC 10.710. EFFECTIVE DATE OF BOUNDARY CHANGE.** A boundary change is effective upon the approval by a majority of the voters voting on the question residing within the territory and upon the subsequent filing of the certificate required by 19 AAC 10.700. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.710 is based on former versions of 19 AAC 15.130 and 19 AAC 15.290.

**19 AAC 10.720. ANNEXATION OF MUNICIPALLY OWNED PROPERTY.** (a) Notwithstanding other provisions of this chapter, municipally owned property adjoining the municipality may be annexed by ordinance without voter approval.

(b) Within five days of adoption of an ordinance annexing territory pursuant to (a) of this section, one certified copy of the ordinance, giving the date of adoption, shall be filed with the department. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.720 is based on a former version of 19 AAC 15.150.

**19 AAC 10.730. TIMELINESS.** A proposal under this chapter which is defeated in an election may not be included in a like proposal covered by a subsequent petition under this chapter filed within one year after the first petition. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

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Section  
735. Applicability  
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750. Local election  
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19 AAC 10.735 COMMUNITY AND REGIONAL AFFAIRS 19 AAC 10.750

Editor's notes. — 19 AAC 10.730 is  
based on former versions of 19 AAC  
15.160 and 19 AAC 15.300.

### Article 15. Procedures for Step Annexation

Section  
735. Applicability  
740. Petition  
750. Local election  
760. Taxes

Section  
770. Voting  
780. Ordinances  
790. Borough services

**19 AAC 10.735. APPLICABILITY.** The provisions of 19 AAC 10.740 — 19 AAC 10.790 apply to annexation proceedings initiated pursuant to AS 44.47.567(a)(4). (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.740. PETITION.** An annexation petition submitted to the commission may request that during each of not more than five full fiscal years after the annexation takes effect, the rate of taxation for city services on the annexed properties shall be at a specified percentage of the full city tax rate. The proposal shall provide an increase from fiscal year to fiscal year until the percentage equals 100 percent of the full city tax rate. The city may not tax annexed property at a rate other than the percentage authorized for that year; however, the city pursuant to AS 29.53.405 may levy taxes on the annexed area at a different percentage from that authorized for the year in question, if the difference is attributed to the cost of provision in the territory of a special service not supported by the general city levy. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.740 is  
based on a former version of 19 AAC  
10.190.

**19 AAC 10.750. LOCAL ELECTION.** The commission will require the governing body of the city to which annexation is sought to submit the proposal to the voters in the area to be annexed. The city shall bear the expenses of the election and shall submit to the department or commission the information and reports that either may require before, during, or after the election. The election is not valid unless the notices pertaining to the election, the way in which the proposal is phrased on the ballot, and the timing of the election have been approved by the commissioner. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.750 is based on a former version of 19 AAC 10.200.

**19 AAC 10.760. TAXES.** The percentage of city taxes on newly annexed properties is determined as follows:

(1) city services to be provided during each year are scheduled by the petitioners or the commission in consultation with city officials;

(2) the cost of each service as a percentage of the gross general fund expenditure for the fiscal year immediately preceding the annexation is computed;

(3) newly annexed residents pay a percentage of the full city property tax rate equal to the total percentage cost of all services provided. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.760 is based on a former version of 19 AAC 10.210.

**19 AAC 10.770. VOTING.** Residents in the newly annexed territory have the same voting privileges as other city residents. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.770 is based on a former version of 19 AAC 10.220.

**19 AAC 10.780. ORDINANCES.** City sales-tax ordinances and all other city ordinances except those applicable to city services not yet provided in the territory are immediately effective in the annexed territory. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.780 is based on a former version of 19 AAC 10.230.

**19 AAC 10.790. BOROUGH SERVICES.** The city must accept immediate responsibility for non-areawide borough services currently provided in the annexed territory. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.790 is based on a former version of 19 AAC 10.240.

**Article 16. Procedures for Merger or Consolidation of Municipalities**

<b>Section</b>	<b>Section</b>
800. Procedure for merger or consolidation	810. Effective date of merger or consolidation

**19 AAC 10.800. PROCEDURE FOR MERGER OR CONSOLIDATION.** (a) In considering a merger or consolidation petition, the commission will use the same process as set out in 19 AAC 10.630 — 19 AAC 10.700 for considering local action annexations except that the election on the question of merger or consolidation shall be counted in the following two categories:

- (1) votes cast within cities; and
- (2) votes cast outside cities.

(b) To pass, the merger or consolidation proposal must be approved in both categories set out in (1) and (2) of this section. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**19 AAC 10.810. EFFECTIVE DATE OF MERGER OR CONSOLIDATION.** If the proposal to consolidate or merge two or more municipalities is approved as required by 19 AAC 10.800, the merger or consolidation is effective 90 days from the filing of the certificate of election results with the commissioner. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

**Article 17. Miscellaneous Provisions**

<b>Section</b>	<b>Section</b>
820. Severability of parts of regulations	840. Definitions
830. General provisions	

**19 AAC 10.820. SEVERABILITY OF PARTS OF REGULATIONS.** The provisions of this chapter are severable, and if any provision of this chapter is declared invalid by a court of competent jurisdiction, the invalidity does not affect the remaining provisions of this chapter. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.820 is based on a former version of 19 AAC 20.010.

**19 AAC 10.830. GENERAL PROVISIONS.** (a) Nothing in this chapter may be construed to require the commission to approve a boundary change which the commission determines not to be in the best interest of sound local government.

(b) The enumeration in this chapter of standards or factors for consideration may not be construed as exclusive of other factors which, in the view of the commission, are relevant to the decision in question.

(c) Before incorporation of a borough located wholly or partially within an existing borough or of a city located wholly or partially within an existing city may become effective, the commission will submit the proposed incorporation to the legislature in the manner provided for boundary changes. In addition, the commission will, in its discretion, condition the incorporation on approval by a majority of the voters of the existing borough or city. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567

Editor's notes. — 19 AAC 10.830 is based on a former version of 19 AAC 20.020.

**19 AAC 10.835. COMPETING PETITIONS.** (a) The commission will, in its discretion, act concurrently upon separate petitions filed under this chapter which embrace some or all of the same territory.

(b) Notwithstanding other provisions of this chapter, the commission will, in its discretion, postpone proceedings on a petition filed under this chapter in order to allow concurrent action on another existing or anticipated petition that will embrace some or all of the same territory. Except as provided in (c) of this section, in order to be considered concurrently, a competing petition must be received by the department within 90 days after the date of receipt of an earlier petition that embraces some or all of the same territory.

(c) In addition to the 90-day filing period specified in (b) of this section, the commission will, in its discretion, allow a 60-day or less

extension for receipt recently with an earlier will not be granted by under art. X, sec. 12 if the earlier petition ter.

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Authority: Art. X, Sec.  
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**19 AAC 10.840. I** teration of municipa

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will not be granted by the commission if it will delay legislative action  
under art. X, sec. 12 of the Alaska Constitution on the earlier petition  
if the earlier petition is approved by the commission under this chap-  
ter.

(d) In considering competing petitions concurrently, the commis-  
sion will give precedence to the petition that, in the judgment of the  
commission, serves the best interest of the state. In determining the  
best interest of the state, the commission will consider, but is not  
limited to, the following factors:

- (1) an existing or prospective municipality's ability to better  
serve the territory embraced by the competing petitions;
- (2) the extent to which approval of a petition would affect the  
financial viability of the existing or prospective municipalities that  
have filed competing petitions; and
- (3) the extent to which each competing petition satisfies the stan-  
dards required under this chapter for the action proposed by the  
competing petitions.

(e) The provisions of this section supersede the common law relat-  
ing to the doctrine of prior jurisdiction to control competing petitions  
submitted under this chapter. (Eff. 8/19/88, Reg. 107)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 29.06.040

19 AAC 10.840. DEFINITIONS. (1) "annexation" means an al-  
teration of municipal boundaries which adds territory;

- (2) "commission" means the Local Boundary Commission;
- (3) "commissioner" means the Commissioner of the Department  
of Community and Regional Affairs;
- (4) "contiguous" means territory which is immediately adjacent  
to or which is separated only by natural or artificial barriers which  
do not disrupt or impede the supplying or receiving of municipal  
services;
- (5) "date of annexation, detachment, merger or dissolution"  
means the day on which the proposed boundary change becomes  
effective pursuant to Article X, Section 12, of the Alaska Constitu-  
tion;
- (6) "department" means the Department of Community and Re-  
gional Affairs;
- (7) "detachment" means an alteration of municipal boundaries  
which deletes territory;
- (8) "differential taxation zone" means an area within the bound-  
aries of a city which receives a different level of service than that

provided generally within the city and in which property is taxed at a rate proportionate to the level of service provided;

(9) "full municipal services" means all of the services that a municipality is providing to its residents with revenues raised from the municipality's general mill levy or sales or use taxes;

(10) "general mill levy" means the highest rate at which property in the municipality is taxed but does not include special assessments;

(11) "legislature" means a regular session of the Alaska State Legislature;

(12) "mandatory powers" means those powers required to be exercised by a municipality under AS 29;

(13) "municipality" means an organized borough, including a unified local government, or an incorporated city of any class;

(14) "non-areawide power" means a power exercised by an organized borough in all areas within the borough outside cities, but does not mean a power exercised on a service-area basis if the service area does not include the entire borough area outside cities;

(15) "party" means a petitioner or a respondent who files an answering brief;

(16) "territory" means the area or areas affected by the proposed boundary change. (Eff. 2/21/82, Register 81)

Authority: Art. X, Sec. 12, Ak. Const.  
AS 44.47.567  
AS 44.47.980

Editor's notes. — 19 AAC 10.840 is based on a former version of 19 AAC 20.030.

### CHAPTER 15. BOUNDARY CHANGES BY LOCAL ACTION

Editor's notes. — As of 2/21/82, 19 AAC 05, 19 AAC 10, 19 AAC 15 and 19 AAC 20 have been reorganized under 19 AAC 10. The history notes for sections within the old chapters have not been carried forward in the reorganization.

### CHAPTER 20. MISCELLANEOUS PROVISIONS

Editor's notes. — As of 2/21/82, 19 AAC 05, 19 AAC 10, 19 AAC 15, and 19 AAC 20 have been reorganized under 19 AAC 10. The history notes for sections within the old chapters have not been carried forward in the reorganization.

## PART 2.

A

- Chapter
- 30. State Aid to Municipalities (30.150)
  - 33. Offshore Fisheries (19 AAC 33.070)
  - 35. Senior Citizen and Family Allowance (19 AAC 35.120)
  - 36. Senior Citizen and Family Allowance (36.010 — 19 AAC 36.010)
  - 37. Senior Citizen and Family Allowance (19 AAC 37.040)
  - 38. Farm and Agricultural Land Use (19 AAC 38.010)
  - 39. Errors in Municipalities (19 AAC 39.010)
  - 40. Legal Assistance (19 AAC 40.010)
  - 42. Coastal Energy (19 AAC 42.010)
  - 44. Aid to Unincorporated Municipalities (19 AAC 44.010)
  - 60. Rural Development (AAC 60.010 — 60.020)

## CHAPTER 3

A

- Section
- 10. (Repealed)
  - 11. Application for (19 AAC 11.010)
  - 20. (Repealed)
  - 21. Financial report (19 AAC 21.010)
  - 30. (Repealed)
  - 31. (Repealed)
  - 40. (Repealed)
  - 41. (Repealed)
  - 42. Population determination (19 AAC 42.010)
  - 43. Request for adjunction (19 AAC 43.010)
  - 44. Appeal of population to the commission (19 AAC 44.010)
  - 50. (Repealed)
  - 51. (Repealed)
  - 52. Standards for population to municipalities (19 AAC 52.010)
  - 53. Standards for population to municipalities recipients for hospitals (19 AAC 53.010)
  - 54. Standards for population to volunteer fire organizations (19 AAC 54.010)
  - 55. Standards for population to unincorporated municipalities (19 AAC 55.010)
  - 60. (Repealed)
  - 61. Standards for population under former (19 AAC 61.010)
  - 70. (Repealed)

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**289**

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 17, 1990

SUBJECT: Sectional summary of SB 289

TO: Senator Mike Szymanski  
Chair  
Senate Community and Regional Affairs  
Committee

FROM: Theresa L. Bannister *TB*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 contains the main provisions of the bill.

Sec. 36.90.200(a) requires the state and political subdivisions to pay a prime contractor for satisfactory performance on a public construction contract within 14 days of the state or political subdivision's receipt of a payment request from the contractor that complies with the contract.

Sec. 36.90.200(b) requires the state or political subdivision to pay interest at a specified amount on the unpaid amount of a required payment. The interest starts from the 15th day after receipt of the payment request.

Sec. 36.90.200(c) requires the state or political subdivision to notify the prime contractor within a certain time in writing if part or all of a payment is going to be withheld for unsatisfactory performance or if the payment request

does not comply with the contract. The subsection indicates what the notice should contain.

Sec. 36.90.200(d) requires the state or political subdivision to pay interest on the withheld amount from a certain date if the notification required under (c) does not comply with (c). The interest continues until notice that complies with (c) is given.

Sec. 36.90.200(e) requires the state or political subdivision to pay the amount withheld under (c) within 14 days after the prime contractor satisfactorily completes the remedial actions identified in the notice. Requires the state or political subdivision to pay interest at a specified rate on the withheld amount from a certain date if the withheld amount is not paid by the date set in this subsection.

Sec. 36.90.210(a) identifies certain terms that prime contractors and subcontractors must include in all of the subcontracts between them for public construction projects. The terms include requiring the prime to pay the sub for satisfactory performance within 8 days after receiving payment from which the sub is to be paid, to pay the sub all retainage due under the subcontract by a certain date, to pay the sub interest on certain unpaid amounts at a specified rate for a given period, and to pass through to the sub certain retainage interest.

Sec. 36.90.210(b) identifies certain terms that a subcontractor on a public construction contract must include in each subcontract under which a person agrees to provide the sub with services, other than as an employee, or supplies for the project. The terms include requiring the sub to pay the person for satisfactory performance by a certain date, to pay the person certain retainage by a certain date, to pay the person interest on certain unpaid amounts at a specified rate for a given period, and to pass through to the person certain retainage interest.

Sec. 36.90.220 allows a prime subcontractor or a subcontractor to negotiate and include in a public construction subcontract certain provisions. These provisions include

(1) permitting the prime or a sub to retain without cause and under mutually agreeable terms a specified percentage of a progress payment otherwise due to the sub for satisfactory performance without incurring an obligation to pay interest

on the retainage, except for certain specified retainage page 4, line 8 needs a technical correction: replacement of "the" by "a"); the paragraph authorizes the parties to consider when making the provision the ability of the sub to furnish performance and payment bonds;

(2) permitting the prime or a sub to determine that part or all of a sub's payment request may be withheld for unsatisfactory performance under the subcontract;

(3) permitting the prime or a sub to withhold payment for unsatisfactory performance without incurring an obligation to pay interest for late payment, if a specified notice has previously been given to the sub and a copy furnished to the contracting officer of the state or political subdivision.

Sec. 36.90.230(a) authorizes a prime on a public construction contract to withhold payment from a sub for unsatisfactory performance under certain conditions. Directs the prime who is withholding to give the sub a specified notice within a certain time frame, to give the contracting officer of the state or political subdivision a copy of the notice, and to pay the sub within eight days after correction of the identified subcontractor performance deficiency.

Sec. 36.90.230(b) requires the prime to pay the sub interest at a specified rate after a certain point if the prime does not comply with the notice and payment requirements of (a) of this section.

Sec. 36.90.240 establishes the form and contents of certain required notices.

Sec. 36.90.250 requires the state or political subdivision to pay the prime contractor interest on retainage at a specified rate. Specifies when the interest begins accruing and when it stops. Allows a political subdivision to use state grant money received for the project to pay the retainage interest. Exempts political subdivisions of 500 or fewer persons from the interest payment requirement of this section.

Sec. 36.90.260 establishes some guidelines for determining in secs. 36.90.210 - 36.90.290 when payments are considered to be made and received and when an invoice is considered to be received.

Senator Mike Szymanski

Page 4

January 17, 1990

Sec. 36.90.270 voids a contract provision that waives a provision required by secs. 36.90.200 - 36.90.290.

Sec. 36.90.290 defines "prime contractor" and "subcontractor" for secs. 36.90.200 - 36.90.290.

Section 2 makes a technical change. Substitutes a citation of the new sections in bill section 1 for the citation of the present statutory section in this area.

Section 3 repeals the present public construction payment statute, AS 36.90.010.

Section 4 indicates which public construction projects are subject to this bill.

Section 5 makes the Act effective July 1, 1989.

If I can be of further assistance, please advise.

TB:pl  
WKPl/012



**S B**

**292**

COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
TUESDAY  
APRIL 25, 1989

SB 292: AN ACT MAKING SPECIAL APPROPRIATIONS FOR THE EFFECTS OF  
THE STATEWIDE COLD-WEATHER DISASTER AND PROVIDING FOR AN  
EFFECTIVE DATE  
SPONSOR:RULES/GOV  
FISCAL: APP \$11,157,850

THE NEXT BILL BEFORE THE COMMITTEE IS SENATE BILL 292, AN ACT  
MAKING A SPECIAL APPROPRIATIONS FOR THE EFFECTS OF THE  
STATEWIDE COLD-WEATHER DISASTER AND PROVIDING FOR AN EFFECTIVE  
DATE.

ALLISON ELGEE FROM THE OFFICE OF MANAGMENT AND BUDGET IS HERE  
TO SPEAK FURTHER ON THIS BILL.

---

THERE IS AN AMENDMENT BY SZYMANSKI IN THE PACKET

DISASTER RELIEF FUND  
FY89 STATUS THROUGH 4/18/89

Overview

Additions to fund

CH 154, SLA 88 (operating budget)	6000.0
Net effect of closeouts and miscellaneous adjustments	109.9
Allocations from fund (see below)	-4134.3
Available for allocation 4/18/89	1975.6

<u>Disaster Allocations</u>	<u>DRF (GF)</u>	<u>Fed Funds Total</u>
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Disasters Declared in FY89

Eagle Village Electrical (7/88)	15.0	15.0
Shishmaref Tide Disaster (7/88)	340.0	340.0
Klawock Dump Fire (10/88)	50.0	50.0
Yukon Flats Fire (11/88)	300.0	300.0
Statewide Cold Disaster	800.0	800.0
Northwest Arctic Borough Cold Disaster	1000.0	1000.0
St. George Barge Sinking	135.0	135.0
Sand Point Water Line Freeze-up	65.0	65.0
Akhiok Power System Disaster	70.0	70.0
North Slope Borough Storm	170.0	170.0
Exxon Valdez Oil Spill	1000.0	1000.0
Galena Water & Sewer	181.3	181.3

Allocations to previously-declared disasters

Chenega Bay additional (3/88)	8.0	8.0
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Total	4134.3	4134.3
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Prepared by: Department of Military and Veterans Affairs  
Contact: Jeff Morrison, 465-4600  
File: DRFSTAT2

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

292

April 19, 1989

The Honorable Tim Kelly  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making special appropriations for the cost of repairs, economic relief, and additional expenses resulting from the statewide cold weather disaster in January 1989.

This appropriation, totaling \$11,157,850, was not included in the proposed capital budget because the emergency declaration of disaster occurred after that budget was introduced.

An additional appropriation to mitigate the effect of the cold weather is necessary because the total cost of damages exceeds the \$1 million per disaster limitation of the disaster relief fund. These damages also exceed the total amount available in the disaster relief fund. Moreover, it is important to make this money available to the communities as early as possible so that facilities may be repaired this summer.

This bill also appropriates \$5.5 million to the disaster relief fund specifically for the January statewide emergency declaration of disaster to allow for future, unknown damages. Unobligated and unexpended balances of this \$5.5 million appropriation will lapse into the General Fund on June 30, 1990.

Additional material pertaining to this special appropriation will be furnished to the legislature by my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper".

Steve Cowper  
Governor



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

*Martha,  
Thanks  
a lot!*

*Allen*

MEMORANDUM

TO: Garrey Peska  
Chief of Staff

DATE: March 17, 1989

FROM: Mike Irwin *Mike Irwin*  
Special Staff Assistant

SUBJECT: Update of Activities  
and Issues Related  
to Cold Weather Dis-  
aster Declarations

SUMMARY OF ISSUE

Over the past four to six weeks we have dealt with a flurry of emergency and/or disaster situations caused by this winter's extreme weather conditions; first was the "Omega Block" cold spell which affected most areas of the state, the second was the series of storms and attendant high winds late last month that caused considerable damage from the Kotzebue area all the way across northern Alaska to the Canadian border.

To date, the Governor has approved the following with respect to conditions caused by the above-noted weather situations: 1) a Statewide Emergency Declaration that enabled the State to respond to emergency situations as they arose; and 2) five separate Disaster Declarations specific to individual communities and/or regions.

Expenditures from the State's Disaster Relief Fund are mounting quite rapidly and certain public policy issues have arisen that need to be addressed.

NEED TO BE BRIEFED

As a result of responding to the various requests for assistance, we have been expending monies from the Disaster Relief Fund at a pretty healthy pace. In fact, pending requests, together with requests we anticipate will be forthcoming in the next couple of weeks, could actually zero-out the Fund if all requests are approved. I feel it is necessary at this juncture for us to begin giving serious consideration to alternative forms of financial assistance (e.g. special legislative appropriations, loans rather than grants on some of the monies being obligated from the Disaster Relief Fund, etc.). This is especially urgent in that expenditures under at least one declaration have reached the \$1 million level. Any future funding of this disaster will require legislative concurrence.

In addition, we have lately received requests for which we have no clear precedents to guide us in our decision-making. One of these requests has been turned down (initially, that is, as we're looking for alternatives), and another we are processing with a fair amount of caution that could be interpreted as "foot dragging." The way in which we ultimately handle both of these - as well as similar situations that have arisen or might arise in the near future - may have some political/public policy implications and consequences that should be anticipated and dealt with before they reach unmanageable levels.

#### CURRENT AGENCY INVOLVEMENT

The Department of Military and Veterans Affairs, Division of Emergency Services, is, of course, the central State player in all of this. They have been responding to the myriad requests in accordance with the policies and practices as outlined in the State's Emergency Response Plan.

Other agencies/service providers have been tasked by ADES, where appropriate, as follows:

-Alaska Power Authority (in instances where emergency situations exist due to power generation failures);

-DEC/Village Safe Water Program (in cases of damage to community water and/or sewer systems);

-Dept. of Health & Social Services (involvement in relation to administration of emergency energy assistance funds); and

-The American Red Cross (for food resupply to communities cut off from normal food deliveries during the Omega Block cold spell).

The involvement of two other "interest groups" should also be mentioned here, as their involvement could prove key to future plans for responding adequately to the whole of the cold weather related situation.

-The Alaska Legislature: Several members of the Legislature have shown a continuing interest in our response to cold weather related emergencies and disasters. It should be noted that these same legislators have also provided a fair degree of assistance to us. They have pledged support for any legislative initiatives that we might deem necessary in order to fully mitigate the effects of this winter's severe weather.

-Federal Emergency Management Agency (FEMA): ADES recently sent a formal request to FEMA Region X asking that a disaster assessment team be sent to Alaska. If our request is honored, our intent is to have a determination made on whether or not we can qualify for a federal disaster declaration. Such a declaration would enable us to recoup at least some of the costs of our cold weather disaster response effort.

ADES, together with representatives from the Village Safe Water Program, met on Friday, March 10 with a FEMA representative. The purpose of the meeting was to map out the particulars of the federal assessment plan scheduled to begin late this month.

#### RELATED STATE POLICIES

Basically, we are operating under the general State policy that we will provide assistance to affected communities to bring them back to "pre-disaster conditions." The ultimate decision about how we fully achieve the goals of that policy would be the subject of a meeting as recommended below.

There are no other known State policies that have an effect on the subject matter of this memorandum (except for the statutory requirement, as mentioned previously, which calls for consultation with the legislature before expenditures on any one disaster can exceed \$1 million).

#### NEXT STEPS AND KNOWN DECISION POINTS

I have attached a summary of where we are currently with respect to the various cold weather-related disaster declarations. The summary for each includes next known steps and anticipated decision points.

From an overall perspective, I feel we are at the point where major decisions need to be made on a number of issues (i.e. those mentioned in the first two sections of this memo).

#### RESOURCES REQUIRED

No resources, other than minimal staff time, are needed for the proposed internal staff meeting requested below.

From a broader perspective, the attachments summarize what we expect will likely be needed in the way of overall State resources (i.e. funding) if full recovery is to be achieved.

#### RECOMMENDATION

I feel it would be beneficial to have a meeting soon within the Governor's Office to discuss certain critical questions that are facing us regarding our attempts to fully mitigate damage



Garrey Peska 3/17/89  
Disaster Declarations  
Page 4 of 4

caused to individuals and communities by this winter's severe weather conditions. I recommend such a meeting.

Suggested participants at the requested meeting include (besides yourself and I): Bob Evans, Alison Elgee and Erv Martin.

cc: Bob Evans  
Alison Elgee  
Gen. John Schaeffer  
Erv Martin

Synopsis of Situation  
March 17, 1989

STATEWIDE EMERGENCY DECLARATION

Declaration

Type: Emergency Declaration  
Date declared: January 28, 1989 (expired 2/28)  
Community(ies): Some 56 individual communities throughout the  
state received some form of assistance under  
authority of the Declaration

Situation(s) Addressed

Emergency food and fuel airlifts; road openings for resupply;  
and emergency repairs to water and sewer systems were the main  
categories under which assistance was given.

Funding

Transfers from Disaster Relief Fund to ADES: \$ 800.0  
Expenditures this Declaration, to date: \$ 622.0  
Total projected costs this Declaration (est): \$ 800.0- \$1. million

Special Notes

We have on file for reference a complete itemization of the  
\$622.0 spent/obligated to date under the Emergency Declaration.

Synopsis of Situation  
March 17, 1989

NORTHWEST ARCTIC BOROUGH DISASTER

Declaration

Type: Disaster Declaration  
Date Declared: Feb. 1, 1989 (Revised 2/17 to include Kotzebue)  
Community(ies): All communities in the Norwest Arctic Borough

Situation(s) Addressed

Work on damaged water and/or sewer systems (including several school systems): Kotzebue, Noorvik, Shungnak, Kiana, Selawick, Ambler, Kobuk, Buckland, Deering and Noatak.

Replacement of electrical generation system: Buckland.

Funding

Transfers from Disaster Relief Fund to ADES: \$ 1.0 million  
Expenditures this Declaration, to date: unknown  
Total expenditures this Declaration (est): \$ 3.5 million\*

Special Notes

\*The \$3.5 million figure above does not include an estimated \$900.0 needed to bring Noatak completely to safe water and sewer standards. We currently have a \$400.0 CIP request in the budget for this, but Village Save Water estimates that \$900.0 is actually needed for the problem with the sewage lagoon and fresh water source to be completely dealt with.

Synopsis of Situation  
March 17, 1989

ST. GEORGE DISASTER

Declaration

Type: Disaster Declaration  
Date Declared: February 9, 1989  
Community(ies): St. George

Situation(s) Addressed

Clean-up of debris/spilled oil from the sinking of the community landing craft, and restoration of landing craft to pre-disaster conditions.

Funds

Transfers from Disaster Relief Fund to ADES: \$ 135.0  
Expenditures this Declaration, to date: unknown  
Total expenditures this Declaration (est.): \$ 135.0

Special Notes

The subject of the Declaration - the community landing craft - is the only means of unloading supplies destined for the community.

Synopsis of Situation  
March 17, 1989

SAND POINT DISASTER

Declaration

Type: Disaster Declaration  
Date Declared: Feb. 27, 1989  
Community(ies): Sand Point

Situation(s) Addressed

Repair/reconstruct city water main that serves local boat harbor. People residing on their boats (i.e. 15-20 people) were left without safe water and sewage disposal facilities. The situation also left State-owned ferries with no available safe water source.

Funding

Transfers from Disaster Relief Fund to ADES: \$ 65.0  
Expenditures this Declaration, to date: unknown  
Total expenditures this Declaration (est.): \$ 65.0

Special Notes

None

Synopsis of Situation  
March 17, 1989

AKHIOK DISASTER

Declaration

Type: Disaster Declaration  
Date Declared: March 2, 1989  
Community(ies): Akhiok

Situations Addressed

Replacement of community power generation system. The system failed as a result of excessive power demands during the Omega Block cold spell. Residents went some 2-3 weeks without electricity.

Funding

Transfers from Disaster Relief Fund to ADES:	\$ 70.0
Expenditures this Declaration, to date:	unknown
Total expenditures this Declaration (est.):	\$ 70.0

Special Notes

None

Synopsis of Situation  
March 17, 1989

NORTH SLOPE BOROUGH DISASTER

Disaster

Type: Disaster Declaration  
Date Declared: March 8, 1989  
Community(ies): All communities in the North Slope Borough plus  
Kivalina, Deering and Selawick (i.e. three  
communities not in the North Slope Borough)

Situations Addressed

Assessment of public and private damages/losses caused by severe winter storm conditions (i.e. exceedingly high winds for nearly a week) throughout the northern section of the state.

Funding

See "Special Notes," below.

Special Notes

1) The Declaration allows ADES to spend administrative dollars in order to assess the extent of damages to both public facilities and private residences/property.

2) The original request per the Borough's disaster declaration was for upwards of \$1.1 million (\$ 605.0 in public assistance needed; \$ 500.0 in individual and family assistance needed). Any decision regarding State disaster assistance for recovery of any or all of these costs will be partially contingent upon the results of the ADES' assessment.

3) A major policy question exists with respect to the Borough's request for public assistance in the amount of \$605.0.



APPENDIX TO DISASTER SITUATION MEMO

To: Garrey Peska  
From: Mike Irwin  
Date: March 17, 1989

DISCUSSION OF ISSUES

I. DEPLETION OF DISASTER RELIEF FUND

We are currently faced with the very real possibility that the Fund could be depleted well before the end of the fiscal year. In fact, an as yet unknown amount (perhaps in the millions) could be needed in addition to what's remaining in the Fund in order for us to meet requests -- both known and expected -- for assistance.

Available Funds

Total (est.) Remaining in Fund before  
North Slope Borough Declaration: \$ 3,000,000

Estimated/Potential Need

- 1) Outstanding Known Estimated Need: \$ 3,583,000 - 4,583,000
- a. N.S. Borough \$605,000-1,105,000
  - b. NW Arctic Borough  
(exc. Noatak) \$2,500,000
  - c. Noatak \$400,000-900,000
  - d. Tanana \$78,000
- 2) Other Potential Requests Currently  
Being Monitored by ADES: \$ 1,000,000 - 1,500,000
- a. Nome (sewer & water) \$1,000,000 (est)
  - b. Galena " " \$ 500,000 (est)
- 3) Other Potential Situations for inclu-  
sion in Any Proposed Special  
Impact Aid Funding: \$ 800,000 - Unknown
- a. Aleknagik School \$800,000 - plus
  - b. Statewide Municipal  
General Assistance \$ unknown

## II. DENIAL OF FUNDING REQUESTS

Whenever we: 1) deny a request for a Governor's Declaration of Disaster, and/or 2) question or deny State funding from the Disaster Relief Fund (Fund/DRF) for certain components of a declared disaster, a political situation can result which needs to be addressed. The three examples of these types of situations that we currently have before us to deal with are as follows:

Tanana Elders' Residence: The City of Tanana submitted a local Declaration of Disaster Emergency for the loss of the fire sprinkler system in the city's Elders' Residence during the February cold spell. The facility is leased by the City, but in the lease the City agreed to provide maintenance and upkeep on the facility. When the sprinkler system was, for all intents and purposes, destroyed, we were requested to bear the costs of replacing the system (approx. \$78.0).

OMB has expressed reservations with respect to: 1) whether or not we should be paying for such improvements to nonpublicly-owned facilities from the DRF (the building is owned by the regional Native nonprofit organization); and 2) the seeming noncritical nature of the situation (this point, of course, can be argued from an emotional sense -- i.e. leaving elders unprotected; or, creating the potential for the facility to be closed down by the fire marshal).

It has been our position that this request should more appropriately be handled through some other means such as the CIP process, a loan from the DRF, or, in conjunction with other requests that we might not be able to address through use of the DRF, a special legislative cold weather-related appropriation.

As to the politics of this request and initial denial, we have been in frequent contact with staff from both Senator Binkley's office and Rep. Wallis' office. On Wednesday, 3/15, I was personally contacted by Senator Binkley. The Senator has expressed an interest in taking a look at how we have been handling all of the cold weather-related emergency situations. His implication to me was that his district is being ignored while requests from other districts are being honored.

North Slope Borough Disaster: Although we have declared a disaster emergency, there is a serious question about the public assistance component of this request. In effect, the Borough is asking that we pay roughly \$605.0 from the DRF towards their \$1.0 million insurance premium deductible.

OMB has raised the policy concern about whether or not paying a municipality's insurance deductible is an appropriate use of disaster relief monies. To my knowledge, there is no precedent for this situation. However, an argument can be made that at least the Borough has an insurance policy. Most, if not all, other municipalities that we have dealt with during this most recent period of disaster situations have not had insurance. In these situations the State has had to pay for all damage repair.

Northwest Arctic Borough/Noatak: The final estimated costs associated with the NW Arctic Borough disaster do not include the very serious water and sewer problems in Noatak. As you will remember, late last fall we denied Noatak's request that monies from the DRF be used to build a new sewage lagoon for the community. While that in and of itself created some difficulties with certain legislators, the cold weather in January and February compounded the problem. That is, the community safe water system needs major work -- if not complete reconstruction as a result of damages caused by the cold weather.

Village Safe Water estimates that \$900.0 is needed to fully bring Noatak to safe water and sewer standards. We currently have a \$400.0 CIP request in the budget, with no other funding proposed from any other source. The situation could result in serious health consequences if the problem is not effectively addressed at some point in the near future.

### III. LONGER RANGE FISCAL IMPACTS ON COMMUNITIES

One issue that has been brought forward repeatedly is that of the fiscal problems with which many communities have been presented by the extreme weather conditions this winter. Basically, municipal budgets, already strained due to reductions in municipal assistance and revenue sharing over the past couple of years, have been impacted quite negatively by the cold weather (i.e. a much greater than planned requirement for fuel to run essential municipal services).

The extent and severity of this situation is unknown, and there is very likely little that can be done to address it by way of the DRF. However, I think it could surface as an issue when and if we approach the legislature with a plan for complete mitigation of all known cold weather-related situations.

### IV. ALTERNATIVE FORMS OF FUNDING

As noted previously, we may be facing a situation where the DRF will be exhausted well before the end of the fiscal year. In addition, funds above and beyond what we have available to spend could be needed for full statewide recovery from the severe winter weather. Also previously noted, other potentially serious situations (e.g. Tanana, Noatak), while they may not meet our basic criteria for disaster declarations, should be addressed.

To date, three possibilities for meeting the ever-increasing volume of requests have surfaced. These are not necessarily all-inclusive of the possibilities, and a plan could be constructed that includes aspects of each:

Special Impact Funds: Early on in the current series of cold weather situations, several legislators proposed the idea of attempting to obtain special funds to meet the overall needs for damage mitigation. Though I am not well-versed enough to offer any

insights as to the possibilities of getting Special Impact Aid legislation approved, I think it is an avenue well worth exploring.

For some purposes, Special Impact Aid would be more desirable than simply adding money to the DRF (see below) in that situations such as those in Tanana, Noatak and the North Slope Borough could be addressed without setting new precedents with regard to use of the DRF.

Increase Disaster Relief Fund: From a purely bottom-line perspective, this doesn't really differ from the Special Impact Aid discussed above. However, I think that certain components of the total package of outstanding need should, if at all possible, be taken care of through some other funding mechanism so as to avoid setting certain precedents that we may, for future purposes, not want to see established.

Disaster Relief Loans: The concept of establishing a low interest loan fund for municipalities was suggested by OMB as a possible alternative for addressing some of the more extraordinary needs.

In follow-up, I checked with ADES and they indicated that DFR funds have been loaned, rather than granted, in certain past situations.



Sec. 1

STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU  
REVISED  
DECLARATION OF A DISASTER EMERGENCY

WHEREAS, during the month of January, 1989, the Northwest Arctic Borough experienced a major cold wave causing extensive severe weather related problems; and,

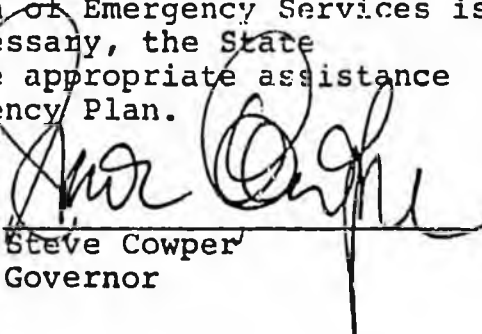
WHEREAS, as a result of this cold wave, water systems were frozen and damaged in Kotzebue, Noatak, Noorvik, Shungnak, Kiana, Selawick, and possibly other communities in the Borough, and the City of Buckland suffered a total loss of electrical generation capability; and,

WHEREAS, the Northwest Arctic Borough has declared a disaster situation which is beyond the Borough's ability to provide relief to the residents of these communities, and has requested a State Disaster Declaration in order to provide assistance.

NOW, THEREFORE, on this 17th day of February, 1989, under the authority granted by the Alaska Statutes, Section 26.23.20, I hereby declare that a condition of disaster exists in the Northwest Arctic Borough, and is of sufficient severity and magnitude to warrant a disaster declaration in order to provide assistance.

FURTHER, the Director, Alaska Division of Emergency Services, is hereby authorized to utilize funds made available for these purposes in such amounts as considered necessary for administrative and disaster management expenses. The Director of the Alaska Division of Emergency Services is further authorized to task, as necessary, the State departments and agencies to provide appropriate assistance in accordance with the State Emergency Plan.

By:

  
Steve Cowper  
Governor

**MEMORANDUM**

**State of Alaska**

**TO:** Mike Irwin  
Special Staff Assistant  
Office of the Governor

**DATE:** March 6, 1989

**FILE NO:**

**TELEPHONE NO:** 376-2337

**FROM:** Ervin Paul Martin, Director <sup>EW</sup>  
Division of Emergency Services  
Department of Military  
and Veterans Affairs

**SUBJECT:** Northwest Arctic  
Borough Disaster

On February 23, 1989, representatives from Village Safe Water, Indian Health Service and an independent sewer and water engineer met with ADES to discuss the sewer and water problems within the Northwest Arctic Borough.

The total disaster related recovery costs for the Northwest Arctic Borough are estimated to be approximately \$3.5 million. The Legislature, of course, must approve obligations of money from the Disaster Relief Fund above the Governor's statutory limit of \$1 million. I've enclosed a copy of the summary of costs relating to water and sewer damage that was provided by Village Safe Water. The summary separates recovery costs into emergency operations, immediate repair needs, interim operations and final repairs. Final repairs and a percentage of interim operations can generally be planned for construction season or after the first of June.

At the conclusion of the meeting, the group agreed upon the following allocation of the initial \$1 million in funds already authorized for this disaster:

Alaska Power Authority (Buckland generator)	\$100,000
Northwest Arctic Borough School District	123,000
Village Safe Water	737,000
Administrative Costs	<u>40,000</u>
<b>TOTAL</b>	<b>\$1,600,000</b>

Basically, this will take care of most of the emergency operations, assessment and immediate repair requirements and will provide each community with some degree of water and sewer service. However, there are insufficient funds available within the currently authorized \$1 million ceiling to accomplish interim operations (\$147,192) or final repairs (\$2,474,309). Additionally, to prevent the same problem from happening in the future, Noatak's CIP request for \$400,000 will also have to be increased to \$900,000 in order that adequate well water and storage capacity can be provided. To summarize the above, it appears that approximately \$3.5 million (rounded) in additional funds will be required, over

*sewage lagoon*

and above what has already been authorized, to complete the recovery effort within the Northwest Arctic Borough.

The questions now remains what, if any, "pocket" the additional funds should come from? In my opinion there are three options available, each of which require legislative concurrence.

#### OPTION 1

Fund the \$2.6 million required for interim and final repairs from the Disaster Relief Fund and increase the CIP grant request for Noatak from \$400,000 to \$900,000.

#### OPTION 2

Fund the entire \$3.5 million required for full recovery through a special legislative appropriation sponsored by the Borough's legislative delegation.

#### OPTION 3

Fund an additional \$565,000 through the Disaster Relief Fund which would take care of all interim operations and permit final repairs on systems at Kiana, Selawick and Kotzebue. This increase will also require legislative concurrence. Fund final repairs for Noatak, (\$3. million including CIP), through a special legislative appropriation.

In reviewing the above, Option 1 gives me the most serious concerns. Actions underway within the \$1 million cap already authorized will in fact complete all emergency actions required. Although not up to pre-disaster conditions, some form of water and sewer service will be provided in each community. It would appear to me that the remainder of the work to be accomplished is more in the nature of CIP, particularly in the case of Noatak, and should more properly be addressed through a special legislative appropriation. Quite frankly I would have great difficulty supporting Noatak's complete request for emergency funds since, in fact, we would be rebuilding/replacing an entire water and sewer system that had a myriad of serious problems long before the disaster actually occurred. The system failure was inevitable under normal circumstances, the cold spell just accentuated the situation.

That basically leaves either Option 2 or 3, either of which I could agree upon. If option 3 is selected, you should be aware that this is the third major water and sewer disaster that Kotzebue has had since 1984 and there is no guarantee that the work accomplished under this disaster will by any means cure all of their problems.



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Obviously, there are no easy answers or solutions to this problem. For various reasons, the Governor may wish to fund the entire recovery effort from the Disaster Relief Fund. I can understand this and will certainly abide by your decision. Perhaps, after you've had the opportunity to review this, you may have additional thoughts that we haven't considered. I would appreciate a call, at your convenience, to further discuss the matter.

cc: Greg Capito  
Village Safe Water, Juneau

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## SUMMARY SHEET 1

## TOTAL NORTHWEST ARCTIC DISASTER COSTS BY COMMUNITY

COMMUNITY	EMERGENCY OPERATIONS	ASSESSMENT	IMMEDIATE REPAIRS	INTERIM OPERATIONS	FINAL REPAIRS
KOBIUK	\$ 0	\$ 1,000	\$ 4,664	\$ 0	\$
SILKONGAK	1,000	1,000	29,042	0	
AMBLER	3,960	1,000	14,150	0	
KIANA	9,375	2,000	61,375	0	156,87
NOORVIK	6,125	2,000	19,129	0	
BUCKLAND	3,460	1,000	10,950	0	
SELAWIK	9,920	2,000	18,295	0	41,00
DEERING	3,005	300	4,900	0	
KIVALINA	1,650	1,000	750	0	
NOATAK	9,674	4,000	82,165	87,200	2,056,00
KOTZEBUE	60,854	10,000	495,800	59,992	220,43
TOTALS	\$109,023	\$ 25,300	\$741,220	\$147,192	\$2,474,30
TOTAL COST EXCLUDING FINAL REPAIRS				\$1,022,735	

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CITY

	TOTAL DISASTER COSTS
0	\$ 5,664
0	31,042
0	19,110
77	229,627
0	27,254
0	15,410
00	71,215
0	8,205
0	3,400
00 †	2,239,039
32	847,078
09	\$3,497,044

requires Legislative Action  
May be "other" Action,  
than Disaster Relief Fund

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State of Alaska, Village Safe Water

Village	Item Total Cost	Emergency Operations		Assessment of Problem (all parties)	Immediate Repairs			Interim Operations (per month)			Final Repairs (Capital Cost Estimates)		
		City	School District		City	School District	VSW	FHE	Other	City	School District	Other	School Dist
<b>Kiana</b>	\$229,627												
	Emergency operations during deep cold Thaw & repair 17 water services, 17 sewer services & 1000 ft of sewer main	2,900	6,425					54,000					
	Replace buried water service, replace water damaged bldg insulation, replace/repair 2 EA circulator pumps and one pressure pump at school						7,375					11,037	
	Assessment of problems			2,000									
	Replace burst waste heat line & heat exchangers												145,040
	<b>Totals by group</b>		\$9,375	\$2,000			\$ 61,375			\$0			\$156,877
<b>Noorvik</b>	\$27,254												
	Emergency operations during deep cold	3,000	3,125					4,000					
	Fix two water leaks & replace two pumps						15,128						
	Replace ruptured piping & damaged utilidor at elementary school												
	Assessment of problems			2,000									
	<b>Totals by group</b>		\$9,125	\$2,000			\$19,128			\$0			\$0
<b>Backlund</b>	\$ 15,410												
	Emergency operations during deep cold	1,500	1,930					1,200					
	Thaw 480 ft of sewer line from pumphouse to lagoon												
	Assessment of problems												
	Repair utilidor BR station & piping, repair plumbing leaks in new school addition						8,730						
	<b>Totals by group</b>		\$3,480	\$1,000			\$ 10,950			\$0			\$0

State of Alaska, Village Safe Water

Village	Item	Emergency Operations		Assessment Problem (all parties)	Immediate Repairs					Interim Operations (per month)			Final Repairs (Capital Cost Estimates)	
		City	School District		City	School District	VSW	PHS	Other	City	School District	Other	School Dist	VSW
<b>Seldavik</b>	<b>\$71,215</b>													
	Emergency operations during deep cold	1,300	8,920											
	Truncate sewer outfall line					4,000								
	Pressure test & restore entire sewer outfall line					8,000								
	Regrade sewer outfall line												41,000	
	Repair school plumbing & replace lift station pump				8,285									
	Assessment of problems			2,000										
	<b>Totals by group</b>		<b>\$9,920</b>	<b>\$2,000</b>		<b>\$10,285</b>				<b>\$0</b>			<b>\$41,000</b>	
<b>Deering</b>	<b>\$8,205</b>													
	Emergency operations during deep cold		3,005											
	Replace fire damaged water tank connection box & tank insulation, frozen batteries for generator					4,900								
	Assessment of problems			300										
	<b>Totals by group</b>		<b>\$3,005</b>	<b>\$300</b>		<b>\$4,900</b>				<b>\$0</b>			<b>\$0</b>	

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