

Local Boundary Commission

Members' Decisional Meeting Checklist

For the Edna Bay City Incorporation Petition

This is merely a synopsis of the statutes and regulations. The commissioners, parties, and public may refer to the statutes and regulations themselves for the full text.

		<p>3 AAC 110.920. Determination of community</p> <p>(a) In determining whether a settlement comprises a community, the commission may consider* relevant factors, including whether the</p> <ol style="list-style-type: none"> (1) settlement is inhabited by at least 25 permanent residents; (2) the permanent residents live in a geographical proximity that allows frequent personal contacts and interaction; and (3) the permanent residents at a location are a discrete and identifiable social unit, as indicated by such factors as resident public school enrollment, number of sources of employment, voter registration, precinct boundaries, permanency of dwelling units, and the number of commercial or industrial establishments, community services, and service centers. <p>[Note: 3 AAC 110.990(5) defines community as “a social unit comprised of 25 or more permanent residents as determined under 3 AAC 110.920”].</p> <p>* Use that consideration when addressing 3 AAC 110.005 below.</p> <p>(b) [T]he commission will presume that a population does not constitute a community if</p> <ol style="list-style-type: none"> (1) public access to or the right to reside at the location of the population is restricted; or (2) Repealed (3) the location of the population is provided by an employer and is occupied as a condition of employment primarily by persons who do not consider the place to be their permanent residence.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the answer to either 3 AAC 110.920(b)(1) or (b)(3) yes?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	If yes to either (b)(1) or (b)(3), is there a specific and persuasive showing to the contrary that the population constitutes a community?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>3 AAC 110.005 Community</p> <p>Does the territory proposed for incorporation as a city encompass a community?</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>AS 29.05.011(a)(5) Incorporation of a City</p> <p>Is there is a demonstrated need for city government?</p> <p>[Addressed in 3 AAC 110.010(a) Need]</p>

Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>3 AAC 110.010(a) Need In accordance with AS 29.05.011(a)(5), does the community demonstrate a reasonable need for city government? In this regard under 3 AAC 110.010 (a)(1)-(4), the commission may consider relevant factors, including:</p> <ul style="list-style-type: none"> (1) existing or reasonably anticipated social or economic conditions; (2) existing or reasonably anticipated health, safety, and general welfare conditions; (3) existing or reasonably anticipated economic development; and (4) adequacy of existing services
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>AS 29.05.021(a) Limitations of Incorporation of a City Can the services to be provided by the proposed city be provided by [annexing the community in the unorganized borough to] an existing city?</p> <p>[Addressed in 3 AAC 110.010(b) below]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>3 AAC 110.010(b) Need (b) In accordance with AS 29.05.021(a), and to promote a minimum number of local government units in accordance with art. X, sec. 1, Constitution of the State of Alaska, can the essential municipal services for this community in the unorganized borough be provided more efficiently or more effectively by annexation to an existing city [instead of incorporating as a city]?</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>AS 29.05.011(a)(3). Incorporation of a city (3) Does the economy of the community include the human and financial resources necessary to provide municipal services? In considering the economy of the community, the Local Boundary Commission shall consider property values, economic base, personal income, resource and commercial development, anticipated functions, and the expenses and income of the proposed city, including the ability of the community to generate local revenue.</p> <p>[Addressed in 3 AAC 110.020 below]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>3 AAC 110.020. Resources In accordance with AS 29.05.031(a)(3), does the economy of a proposed city include the human and financial resources necessary to provide the development of essential municipal services on an efficient, cost-effective level? In this regard, the commission</p> <p>(1) will consider [discuss each one]</p> <ul style="list-style-type: none"> (A) the reasonably anticipated functions of the proposed city; (B) the reasonably anticipated expenses of the proposed city; (C) the ability of the proposed city to generate and collect revenue at the local level; (D) the reasonably anticipated income of the proposed city; (E) the feasibility and plausibility of the anticipated operating and capital budgets of the proposed city through the period extending one full fiscal year beyond the reasonably anticipated date <ul style="list-style-type: none"> (i) for receipt of the final organization grant under AS 29.05.180; (ii) for completion of the transition set out in AS 29.05.130 - AS 29.05.140 and 3 AAC 110.900;

[Continued on next page]

		<p>(F) the economic base of the proposed city;</p> <p>(G) valuations of taxable property within the proposed city;</p> <p>(H) existing and reasonably anticipated industrial, commercial, and resource development within the proposed city; and</p> <p>(I) personal income of residents of the proposed city; and</p>
		<p>(2) may consider other relevant factors, including</p> <p>(A) land use within the proposed city</p> <p>(B) the need for and availability of employable skilled and unskilled persons to serve the proposed city government; and</p> <p>(C) the reasonably predictable level of commitment and interest of the residents in sustaining a city government</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>AS 29.05.011(a)(4). Incorporation of a city</p> <p>Is the population of the community stable enough to support city government?</p> <p>[Addressed in 3 AAC 110.030 below]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>3 AAC 110.030. Population</p> <p>(a) In accordance with AS 29.05.011(a)(4), is the population of the proposed city sufficiently large and stable to support the proposed city government? In this regard, the commission may consider relevant factors, including</p> <p>(1) census enumerations;</p> <p>(2) durations of residency;</p> <p>(3) historical population patterns;</p> <p>(4) seasonal population changes;</p> <p>(5) age distributions;</p> <p>(6) contemporary and historical public school enrollment data; and</p> <p>(7) nonconfidential data from the Department of Revenue regarding applications under AS 43.23 for permanent fund dividends.</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>AS 29.05.011(a)(2). Incorporation of a city</p> <p>Do the boundaries of the proposed city include all areas necessary to provide municipal services on an efficient scale?</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>3 AAC 110.040. Boundaries</p> <p>(a) In accordance with AS 29.05.011(a)(2), do the boundaries of a proposed city include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level? In this regard, the commission may consider relevant factors, including:</p> <p>(1) land use, subdivision platting, and ownership patterns;</p> <p>(2) population density;</p> <p>(3) existing and reasonably anticipated transportation patterns and facilities;</p> <p>(4) natural geographical features and environmental factors;</p> <p>(5) extraterritorial powers of cities;</p> <p>(6) salability of land for residential, commercial, or industrial purposes; and</p> <p>(7) suitability of the territory for reasonably anticipated community purposes.</p>

Yes <input type="checkbox"/>	No <input type="checkbox"/>	(b) To promote the limitation of community, (1) are the boundaries of the proposed city on a scale suitable for city government? Do they include only that territory comprising a present local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the anticipated date of incorporation? and
Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Yes <input type="checkbox"/>	No <input type="checkbox"/>	(2) do the boundaries of the proposed city include entire geographical regions or large unpopulated areas? [Only address next question if yes to above question]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	If yes, are the boundaries justified by the application of the standards in 3 AAC 110.005 - 3 AAC 110.042 , and are otherwise suitable for city government?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	(c) Is the territory proposed for incorporation noncontiguous?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does it contain enclaves?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	If yes to either question, is there a specific and persuasive showing to the contrary that allows the commission to presume that the territory proposed for incorporation does include all land and water necessary to allow for the development of essential municipal services on an efficient, cost-effective level?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	(d) Does the petition for incorporation of a proposed city describe boundaries overlapping the boundaries of an existing organized borough or city? [Only address next question if yes to above question]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	If so, does the petition for incorporation also address and comply with all standards and procedures to alter the boundaries of the existing organized borough or city to remove the overlapping territory?
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	3 AAC 110.900. Transition (a) Does the petition include a transition plan that demonstrates the capacity of the municipal government to extend essential municipal services into the boundaries proposed for change in the shortest practical time after the effective date of the proposed change?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	(b) Does the petition include a practical plan for the assumption of all relevant and appropriate powers, duties, rights, and functions presently exercised by an existing borough, city, unorganized borough service area, or other appropriate entity located within the boundaries proposed for change?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was the plan prepared in consultation with the officials of each existing borough, city, and unorganized borough service area?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the plan designed to affect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the date of the proposed change?

Yes <input type="checkbox"/>	No <input type="checkbox"/>	(c) Does the petition include a practical plan for the transfer and integration of all relevant and appropriate assets and liabilities of an existing borough, city, unorganized borough service area, and other entities located within the boundaries proposed for change?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was the plan prepared in consultation with the officials of each existing borough, city, and unorganized borough service area wholly or partly included within the boundaries proposed for change?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the plan designed to affect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the date of the proposed change?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the plan specifically address procedures that ensure that the transfer and integration occur without loss of value in assets, loss of credit reputation, or a reduced bond rating for liabilities?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<u>Optional by vote of commission.</u> (d) [Is it necessary to] for the commission to require that all boroughs, cities, unorganized borough service areas, or other entities wholly or partially included within the boundaries of the proposed change execute an agreement prescribed or approved by the commission for the assumption of powers, duties, rights, and functions, and for the transfer and integration of assets and liabilities?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	(e) Does the transition plan state the names and titles of all the officials of each existing borough, city, and unorganized borough service area that were consulted by the petitioner? Are the dates on which that consultation occurred, and the subject addressed during that consultation also listed?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	(f) Was the prospective petitioner unable to consult with officials of an existing borough, city, or unorganized borough service area because those officials have chosen not to consult or were unavailable during reasonable times to consult with a prospective petitioner? [Only address next questions if yes to above question] If yes, the prospective petitioner may request that the commission waive the requirement for consultation with those officials. Has such a request been submitted? If yes, does the request for a waiver document all attempts by the prospective petitioner to consult with officials of each existing borough, city, and unorganized borough service area? Does the commission determine that the prospective petitioner acted in good faith, and that further efforts to consult with the officials would not be productive in a reasonable period of time? If yes, the commission may waive the requirement for consultation. Does the commission waive that requirement?

Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>3 AAC 110.910 Statement of nondiscrimination.</p> <p>Does the effect of the proposed change deny any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin?</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>3 AAC 110.970(a) Determination of essential municipal services.</p> <p>(a) Does a provision of this chapter call for the identification of essential municipal services for a borough? If yes, do those services consist of those mandatory and discretionary powers and facilities that:</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	(1) are reasonably necessary to the community?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	(2) promote maximum local self-government? and
Yes <input type="checkbox"/>	No <input type="checkbox"/>	(3) Cannot be provided more efficiently and more effectively by the creation or modification of some other political subdivision of the state?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>3 AAC 110.981(7) Determination of maximum local self government.</p> <p>Does the proposed boundary change promote maximum local self-government under art. X, sec. 1, Constitution of the State of Alaska? In this regard, the commission will consider for city incorporation or annexation in the unorganized borough, whether the proposal would extend local government to territory and population of the unorganized borough where no local government currently exists.</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>3 AAC 110.982(6) Minimum number of local government units.</p> <p>Does the proposed boundary change promote a minimum number of local government units under art. X, sec. 1, Constitution of the State of Alaska? In this regard, the commission will consider, for city incorporation, whether incorporation of a new city is the only means by which residents of the territory can receive essential municipal services.</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>3 AAC 110.042. Best interests of state.</p> <p>Is incorporation in the best interests of the state under AS 29.05.100(a)? In this regard, the commission may consider relevant factors, including whether incorporation</p> <ol style="list-style-type: none"> (1) promotes maximum local self-government, as determined under 3 AAC 110.981; (2) promotes a minimum number of local government units, as determined under 3 AAC 110.982 and in accordance with art. X, sec. 1, Constitution of the State of Alaska; (3) will relieve the state government of the responsibility of providing local services; and (4) is reasonably likely to expose the state government to unusual and substantial risks as the prospective successor to the city in the event of the city's dissolution.