

Process for Borough Incorporation by Local Option

STAGE ONE - FILING THE PETITION

A petition for borough incorporation may be initiated by a petition containing the names signatures and resident addresses of:

A number of resident voters equal to 15% of the number of voters who voted in the last general election residing in home rule and first class cities in the area of the proposed borough, and;

A number of resident voters equal to 15% of the number of voters who voted in the last general election residing outside home rule and first class cities in the area of the proposed borough. [AS 29.05.060]

Petition submitted to LBC Staff
3 AAC 110.420

LBC Staff reviews form & content
3 AAC 110.440

Petition returned if deficient
3 AAC 110.440

STAGE TWO - PUBLIC REVIEW

Public notice & service of petition is given
3 AAC 110.450
3 AAC 110.460

WITHIN 7+ WEEKS OF INITIAL PUBLIC NOTICE

Individuals may file responsive briefs & comments in favor or opposition
3 AAC 110.480

WITHIN 2+ WEEKS OF FILING RESPONSIVE BRIEF

Petitioner may file reply brief
3 AAC 110.490

--Optional--
Petitioner may be directed by LBC Staff to hold public informational sessions
3 AAC 110.510

LBC Staff conducts public meeting to address proposal
3 AAC 110.520

LBC Staff distributes draft report for public review
3 AAC 110.530

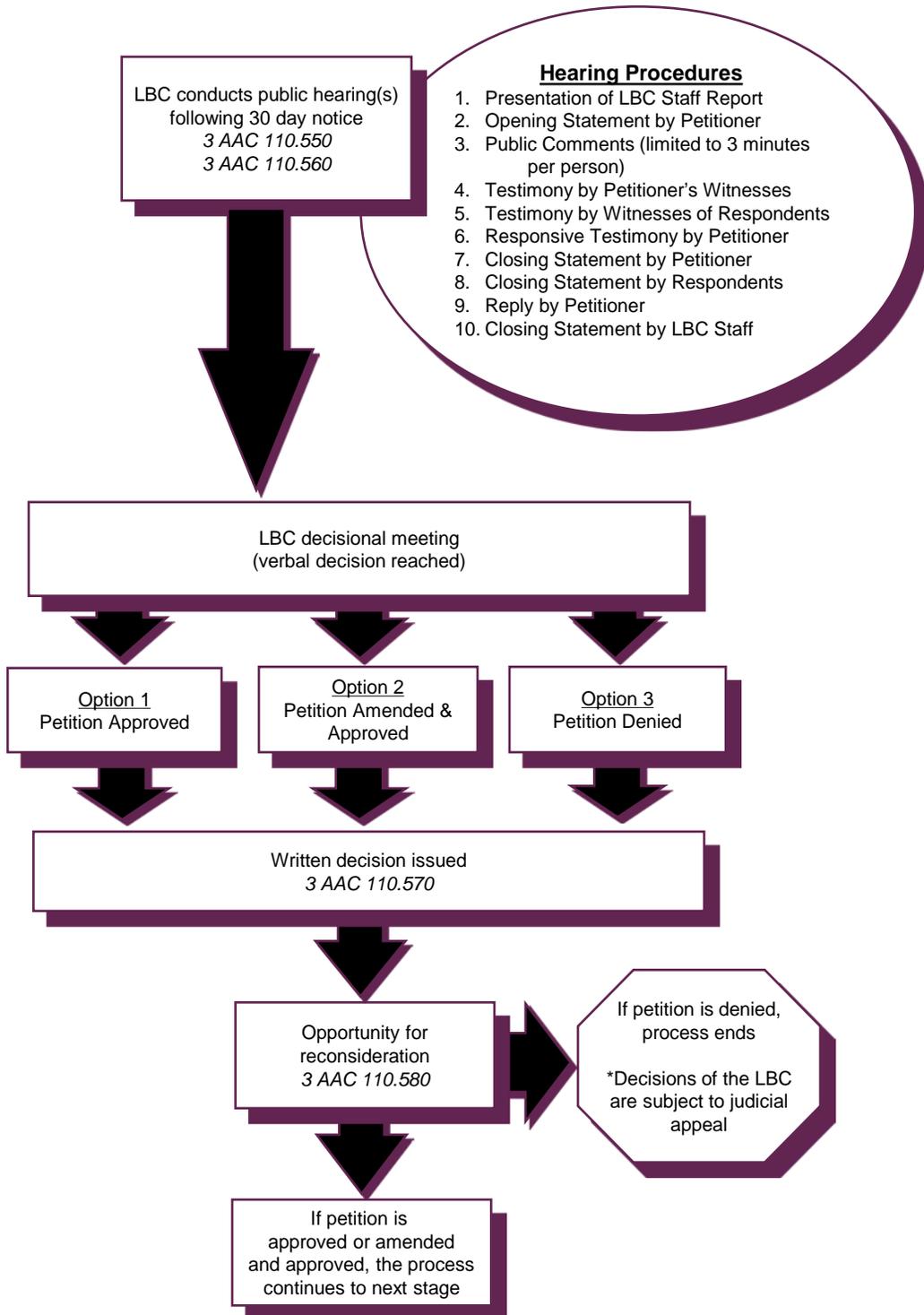
WITHIN 4+ WEEKS OF MAILING OF DRAFT REPORT

Comments must be submitted on LBC Staff draft report
3 AAC 110.530

LBC Staff distributes final report
3 AAC 110.530

Department of Commerce, Community, and Economic Development serves as staff to the LBC AS 44.45.050(a)(2).

STAGE THREE - HEARING AND DECISION BY LBC



STAGE FOUR - ELECTION

If petition is accepted,
LBC notifies State
Division of Elections
AS 29.06.140



Division of Elections orders election on
incorporation, (charter for home rule boroughs)
and assembly members
AS 29.05.110

LBC Staff submits Federal Voting Rights Act
preclearance request covering the date of
election and the proposed incorporation
42 U.S.C. 1973(c)
(no longer required)



If a majority of votes are cast in favor,
incorporation is approved
and initial officials are elected.
AS 29.05.110
AS 29.05.120

STAGE FIVE - TRANSITION

The powers and duties exercised by cities and service areas that are succeeded to by a newly incorporated borough continue to be exercised by the cities and service areas until the new borough assumes the powers and functions, which may not exceed 2 years after the date of incorporation. The new borough shall give written notice of assumption of all rights, powers, duties, assets, and liabilities of the former service provider. The ordinances, rules, resolutions, regulations, procedures, and orders of the service areas remain in force in the perspective territories until superceded.
AS 29.05.130 & AS 29.05.140