

# PROCEDURES FOR CONSOLIDATION AND MERGER

## STAGE ONE - FILING THE PETITION

A petition may be initiated by various parties including voters, a city council, a borough assembly or others specified in 3 AAC 110.410.

If initiated by voters, a petition to merge or consolidate a city and borough must be signed by a number of voters within the city equal to at least 25% of the number of votes cast in the city's last regular election. The petition must also be signed by a number of voters within the borough, but outside the city named in the petition. Those signatures must total at least 25% of the number of votes cast in the borough's last regular election from the area outside the city proposed to be merged or consolidated [AS 29.06.100(a) and 3 AAC 110.410(b)].

Petition returned if deficient  
3 AAC 110.440

Petition submitted to LBC Staff  
3 AAC 110.420

LBC Staff reviews form & content  
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

*--Optional--*  
LBC Staff may conduct 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

\*Department of Commerce, Community, and Economic Development serves as staff to the LBC. AS 44.47.050(a)(2).

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

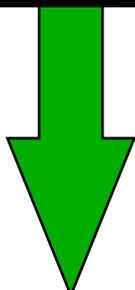
LBC Staff distributes final report  
3 AAC 110.530

Opportunity for review of final report prior to LBC Hearing

**STAGE THREE - HEARING AND DECISION BY LBC**

LBC conducts public hearing(s)  
following 30 day notice  
3 AAC 110.550  
3 AAC 110.560

- Hearing Procedures**
1. Presentation of LBC Staff Report
  2. Opening Statement by Petitioner
  3. Public Comments (limited to 3 minutes per person)
  4. Testimony by Petitioner's Witnesses
  5. Testimony by Witnesses of Respondents
  6. Responsive Testimony by Petitioner
  7. Closing Statement by Petitioner
  8. Closing Statement by Respondents
  9. Reply by Petitioner
  10. Closing Statement by LBC Staff



LBC decisional meeting  
(verbal decision reached)

Option 1  
Petition Approved

Option 2  
Petition Amended &  
Approved

Option 3  
Petition Denied



Written decision issued  
3 AAC 110.570



Opportunity for  
reconsideration  
3 AAC 110.580



If petition is denied,  
process ends  
  
\*Decisions of the LBC  
are subject to judicial  
appeal



If petition is  
approved or amended  
and approved, the process  
continues to next stage

**STAGE FOUR - ELECTION**

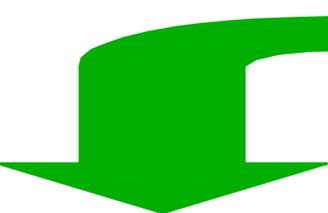
LBC notifies State  
Division of Elections  
*AS 29.06.140*



Division of Elections orders election to be held  
*AS 29.06.140*

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LBC Staff submits Federal Voting Rights Act  
preclearance request covering the date of  
election and the proposed merger or  
consolidation  
*42 U.S.C. 1973(c)*  
*(No longer required)*



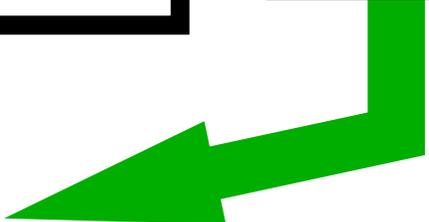
Preclearance is  
granted and  
election is held

Division of  
Elections  
certifies election  
results  
*AS 29.06.140*

If a majority of votes at  
first election favor  
merger or consolidation,  
Division of Elections  
orders election for  
officials of new  
municipality  
*AS 29.06.140*

Election for new  
governing body  
*AS 29.06.140*

Division of Elections  
certifies election results--  
consolidation takes effect



**STAGE FIVE - TRANSITION**

The successor government succeeds to  
all rights, powers, duties, assets, and  
liabilities of the former governments.  
The ordinances, resolutions, regulations,  
procedures, and orders of the former  
governments remain in force in their  
respective territories until superceded  
*AS 29.06.150 and AS 29.06.160*