

Local Boundary Commission

Decisional Meeting for the City of Whale Pass Incorporation Petition

Chair: I call this decisional meeting for the Whale Pass incorporation petition to order on August 2, 2016 at [current time]. Commissioners, are you prepared to proceed? I will entertain a motion regarding this petition.

[After a motion and second] The floor is now open for the commissioners to discuss the following standards pertaining to this city incorporation petition. These are 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. A “yes” answer means that the standard is met, unless otherwise indicated.

City Incorporation Standards

3 AAC 110.005. Community; 3 AAC 110.920. Determination of community		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>Does the territory proposed for incorporation as a city represent a community (meaning is there a social unit comprised of 25 or more permanent residents)?</p> <p style="text-align: center;">[commissioner discussion]</p> <p style="text-align: center;">If yes, this standard is met.</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>Is the location provided by an employer and occupied as a condition of employment primarily by persons who do not consider the place to be their primary residence?</p> <p style="text-align: center;">[discussion proceeds]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p style="text-align: center;">[skip if previous answers are no]</p> <p>If yes to either, is there a specific and persuasive showing to the contrary that the population constitutes a community?</p> <p style="text-align: center;">[if yes, commissioner discussion]</p>
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>Is public access or the right to reside at the location of the population restricted?</p> <p style="text-align: center;">[discussion proceeds]</p>
AS 29.05.011(a)(5) Incorporation of a City; 3 AAC 110.010(a) Need		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>Does the community demonstrate a reasonable need for city government?</p> <p style="text-align: center;">[commissioner discussion]</p> <p style="text-align: center;">If yes, this standard is met.</p>
AS 29.05.021(a) Limitations of Incorporation of a City; 3 AAC 110.010(b) Need		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	<p>Can the services to be provided by the proposed city be provided by annexing the community to an existing city?</p> <p style="text-align: center;">[commissioner discussion]</p> <p style="text-align: center;">If no, this standard is met.</p>

AS 29.05.011(a)(3). Incorporation of a city; 3 AAC 110.020. Resources

		<p>The economy of a proposed city must include the human and financial resources necessary to provide essential municipal services on an efficient, cost-effective level.</p> <p>For the proposed city, has the commission considered:</p>
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> • the reasonably anticipated functions? [discussion proceeds]
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> ▪ the reasonably anticipated expenses? [discussion proceeds]
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> ▪ the ability to generate and collect revenue at the local level? [discussion proceeds]
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> ▪ the reasonably anticipated income? [discussion proceeds]
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> ▪ the feasibility and plausibility of the anticipated operating and capital budgets through the period extending one full fiscal year beyond the reasonably anticipated date <ul style="list-style-type: none"> • for receipt of the final organization grant and • for completion of the transition? <p>[discussion proceeds]</p>
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> ▪ the economic base? [discussion proceeds]
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> ▪ valuations of taxable property? [discussion proceeds]
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> ▪ existing and reasonably anticipated industrial, commercial, and resource development? [discussion proceeds]
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> ▪ personal income of residents? [discussion proceeds]
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<p>After consideration of all these factors, does the proposed city have the human and financial resources necessary to provide essential municipal services on an efficient, cost-effective level?</p> <p>[discussion proceeds]</p> <p>If yes, this standard is met.</p>

AS 29.05.011(a)(4); 3 AAC 110.030. Population

<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<p>Is the population of the proposed city sufficiently large and stable to support the proposed city government?</p> <p>[commissioner discussion]</p>
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If yes, this standard is met.

AS 29.05.011(a)(2); 3 AAC 110.040 Boundaries

Yes <input type="checkbox"/>	No <input type="checkbox"/>	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? [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are the boundaries of the proposed city on a scale suitable for city government? [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do the boundaries include only that territory comprising a current local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the anticipated date of incorporation? [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Do the boundaries of the proposed city include entire geographical regions or large unpopulated areas?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	[skip if previous answer is no] If yes, are the boundaries justified? They are justified if the commission finds that 3 AAC 110.005 – 3 AAC 110.042 are met, and if the boundaries are otherwise suitable for city government. [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is the territory proposed for incorporation noncontiguous or contain enclaves? [discussion proceeds].
Yes <input type="checkbox"/>	No <input type="checkbox"/>	[skip if previous answer is no] If yes, 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? [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the petition for incorporation of a proposed city describe boundaries overlapping those of an existing organized borough or city?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	[skip if previous answer is no] If yes, 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? The commission will consider that petition for incorporation as also being a petition to alter the boundaries of the existing borough or city.

		[if yes, commissioner discussion]
3 AAC 110.042. Best interests of the state		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Is incorporation in the best interests of the state? [commissioner discussion] If yes, this standard is met.

Transition Plan for the Incorporation

3 AAC 110.900. Transition		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the petition include a practical plan demonstrating the capacity of the city to extend municipal services in the shortest practicable time after the proposed incorporation? [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the transition plan include a practical plan to assume all powers, duties, rights, and functions now provided to the territory proposed for incorporation? [discussion proceeds]
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? [discussion proceeds]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Was it designed to effect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the effective date of the proposed incorporation? [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the transition plan include a plan to transfer and integrate all the assets and liabilities from the territory proposed for incorporation? [discussion proceeds]
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 partially included within the boundaries proposed for incorporation? [discussion proceeds]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	

<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<p>Was the plan designed to effect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the date of the proposed incorporation? [discussion proceeds]</p> <p>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? [discussion proceeds]</p>
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<p>Is it necessary for the LBC to require an agreement from the proposed city with any party to assume powers, duties, rights, and functions, and to transfer and integrate assets and liabilities? [commissioner discussion]</p>
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<p>Does the transition plan state the names and titles, as well as dates and subjects addressed, of officials who were consulted regarding the transition plan? [discussion proceeds]</p>
<p>Yes <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Was the prospective petitioner unable to consult with those officials because those officials chose not to consult or were unavailable during reasonable times to consult? [skip if previous answer is no]</p> <p>If yes, does the petitioner ask the commission to waive the consultation requirements? [skip if previous answer is no]</p> <p>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? [skip if previous answer is no]</p> <p>If yes, does the LBC find that the petitioner acted in good faith and that further efforts to consult with the officials would not be productive in a reasonable period of time? [skip if previous answer is no]</p> <p>If yes, does the LBC grant that waiver? [commissioner discussion]</p>
<p>3 AAC 110.910. Statement of Nondiscrimination</p>		
<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>	<p>Does the effect of the proposed change deny any person the enjoyment of any civil or political right? [commissioner discussion]</p> <p>If no, this standard is met.</p>
<p>3 AAC 110.970(c) Determination of Essential Municipal Services</p>		

Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does a provision of this chapter call for the identification of essential municipal services for a city? [discussion proceeds]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	[skip if previous answer is no] If yes, do those services consist of those mandatory and discretionary powers and facilities that are reasonably necessary to the community? [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	[skip if previous answer is no] Do those essential municipal services promote maximum local self-government? [commissioner discussion]
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Can those essential municipal services be provided more efficiently and more effectively by the creation or modification of some other political subdivision of the state? [commissioner discussion] If no, this standard is met.
3 AAC 110.981. Maximum local self-government		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	For discussion: Does the proposal extend local government to territory or population of the unorganized borough where no local government exists? [discussion proceeds] Does the proposed incorporation promote maximum local self-government? [discussion proceeds] If yes, this standard is met.
3 AAC 110.982. Minimum number of local government units		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	For discussion: Is incorporation of a new city is the only means by which residents of the territory can receive essential municipal services? [discussion proceeds] Does the proposed incorporation promote a minimum number of local government units? [discussion proceeds] If yes, this standard is met.

Chair: Have we determined that all the standards are met? We need an affirmation of this from commissioners. Are there any additional considerations for discussion?

I will entertain a motion regarding a decision on this petition.

We will return to the agenda now.