

Commissioners’ Decisional Meeting Sample Checklist for Annexation Petitions by the Legislative Review Method

Yes No

3 AAC 110.090(a) NEED
Does the territory exhibit a reasonable need for city government?

3 AAC 110.090(b)
Can essential municipal services be provided [to the territory proposed for annexation] more efficiently and more effectively by another existing city or by an organized borough, on an areawide basis or non-areawide basis, or through a borough service area?

3 AAC 110.100 CHARACTER
Is the territory compatible in character with the city?

3 AAC 110.110 RESOURCES
Does the economy within the proposed expanded boundaries [area within existing city, plus territory proposed for annexation] include the human and financial resources necessary to provide essential municipal services on an efficient, cost-effective level?

3 AAC 110.120 POPULATION
Is the population within the proposed expanded boundaries of the city sufficiently large and stable to support the extension of city government?

3 AAC 110.130(a) BOUNDARIES
Do the proposed expanded boundaries of the city include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level?

3 AAC 110.130(b)
Is the territory not contiguous to the city?

Does the territory create enclaves in the city?

[Only address next question, if yes to either of above questions]
If the territory is not contiguous, or [annexing it would] create enclaves in the city, is there a specific and persuasive showing that the territory does include all land and water necessary to allow for the development of essential municipal services on an efficient, cost-effective level?

3 AAC 110.130(c)(1)
To promote limitation of community, are the proposed expanded boundaries of the city on a scale suitable for city government, and include only that territory comprising an existing local community, plus reasonably expected growth, development, and public safety needs during the 10 years following the effective date of annexation?

3 AAC 110.130 continued on next page . . .

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	3 AAC 110.130(c)(2) To promote limitation of community, do the proposed expanded boundaries of the city include entire geographical regions or large unpopulated areas? (If no, skip next italicized question)
<input type="checkbox"/>	<input type="checkbox"/>	<i>If yes, are those proposed expanded boundaries justified by the application of the standards in 3 AAC 110.090 - 3 AAC 110.135 <u>and</u> are otherwise suitable for city government?</i>
<input type="checkbox"/>	<input type="checkbox"/>	3 AAC 110.130(d) Does the petition for annexation to the city describe boundaries overlapping the boundaries of an existing organized borough? (If no, skip next italicized question)
<input type="checkbox"/>	<input type="checkbox"/>	<i>If yes, does the petition for annexation also address and comply with the standards and procedures for either annexation of the enlarged city to the existing organized borough, or detachment of the enlarged city from the existing organized borough?</i>
<input type="checkbox"/>	<input type="checkbox"/>	Does the petition for annexation to the city describe boundaries overlapping the boundaries of another existing city? (If no, skip next italicized question)
<input type="checkbox"/>	<input type="checkbox"/>	<i>If yes, does the petition for annexation also address and comply with the standards and procedures for detachment of territory from a city, merger of cities, or consolidation of cities?</i>

<input type="checkbox"/>	<input type="checkbox"/>	3 AAC 110.135 BEST INTERESTS OF STATE Is annexing the territory to the city in the best interests of the state under AS 29.06.040(a)?
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3 AAC 110.140 LEGISLATIVE REVIEW		
Does the territory meet the annexation standards specified in 3 AAC 110.090 – 3 AAC 110.135? If so, does any one of the following circumstances exist:		
<input type="checkbox"/>	<input type="checkbox"/>	(1) the territory is wholly or substantially surrounded by the annexing city;
<input type="checkbox"/>	<input type="checkbox"/>	(2) the health, safety, or general welfare of city residents is or will be endangered by conditions existing or potentially developing in the territory, and annexation will enable the city to regulate or control the detrimental effects of those conditions;
<input type="checkbox"/>	<input type="checkbox"/>	(3) the extension of city services or facilities into the territory is necessary to enable the city to provide adequate services to city residents, and it is impossible or impractical for the city to extend the facilities or services unless the territory is within the boundaries of the city;
<input type="checkbox"/>	<input type="checkbox"/>	(4) 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 tax contributions, whether these city benefits are rendered or received inside or outside the territory, and no practical or equitable alternative method is available to offset the cost of providing these benefits;
<input type="checkbox"/>	<input type="checkbox"/>	(5) annexation of the territory will enable the city to plan and control reasonably anticipated growth or development in the territory that otherwise may adversely impact the city;
<i>3 AAC 110.140 continued on next page . . .</i>		

(7) annexation of the territory will promote

(A) maximum local self-government, as determined under 3 AAC 110.981; and

(B) 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;

(8) annexation of the territory will enhance the extent to which the existing city meets the standards for incorporation of cities, as set out in the Constitution of the State of Alaska, AS 29.05, and 3 AAC 110.005 - 3 AAC 110.042, and is in the best interests of the state;

(9) the commission determines that specific policies set out in the Constitution of the State of Alaska, AS 29.04, AS 29.05, or AS 29.06 are best served through annexation of the territory by the legislative review process, and that annexation is in the best interests of the state.

3 AAC 110.900(a) TRANSITION PLAN

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?

3 AAC 110.900(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?

Was the plan prepared in consultation with the officials of each existing borough, city, and unorganized borough service area?

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?

3 AAC 110.900(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?

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 change?

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?

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?

3AAC 110.900 continued on next page . . .

3 AAC 110.900(d)
[Is it necessary 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? **Optional by vote of commission.**

3 AAC 110.900(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?

3 AAC 110.900(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?

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?

3 AAC 110.910 STATEMENT OF NONDISCRIMINATION
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?

3 AAC 110.970(c) DETERMINATION OF ESSENTIAL MUNICIPAL SERVICES
Does a provision of this chapter call for the identification of essential municipal services for the city?

If yes, do those services consist of those mandatory and discretionary powers and facilities that:

(1) are reasonably necessary to the community;

(2) promote maximum local self-government; and

(3) cannot be provided more efficiently and more effectively by the creation or modification of some other political subdivision of the state?

Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	<p>3 AAC 110.981(7) DETERMINATION OF MAXIMUM LOCAL SELF GOVERNMENT</p> <p>In determining whether a proposed boundary change promotes maximum local self-government under art. X, sec. 1, Constitution of the State of Alaska, for city incorporation or annexation in the unorganized borough, does the proposal extend local government to territory and population of the unorganized borough where no local government currently exists?</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>3 AAC 110.982(7) MINIMUM NUMBER OF LOCAL GOVERNMENT UNITS</p> <p>In determining whether a proposed boundary change promotes a minimum number of local government units under art. X, sec. 1, Constitution of the State of Alaska, for city incorporation or annexation in the unorganized borough, are the jurisdictional boundaries of the city being enlarged, rather than promoting the incorporation of a new city or creation of a new borough service area?</p>