

Municipal Merger

Introduction

"Municipal merger" means the dissolution of a municipality (city or borough) and its absorption by another existing municipality. Merger results in the rights, powers, duties, assets, and liabilities, of the dissolved municipality(s) being taken over by the municipality remaining in existence.

State law requires certain standards and procedures be followed for mergers, which are explained in more detail in the 'Frequently Asked Questions' portion below. This section provides an overview of basic information about municipal merger; however, this is a complex matter that cannot be covered completely in this brief overview. This overview provides information and links to applicable law, additional publications, and staff available to provide assistance.

Frequently Asked Questions

Who can provide information regarding mergers?

Local Boundary Commission (LBC) staff within the Department of Community and Economic Development are available to provide technical assistance to interested parties.

Who can petition to merge?

Municipal governments are merged by a petition to the Local Boundary Commission (LBC). Such a petition may be filed by:

- a) a city,
- b) a borough,
- c) a regional educational attendance area,
- d) a number of voters of each municipality proposed to be merged equal to at least 25% of the number of votes cast in each municipality's last regular election,
- e) the state legislature,
- f) the Commissioner of the Department of Commerce, Community, and Economic Development (Commerce),
- g) a party designated by the Local Boundary Commission.

What are the pros" and cons of a merger?

The advantages and disadvantages of merging municipal governments will vary depending on the communities involved and the type of municipalities proposed for merger. It is important to carefully explore the pros and cons of merger before initiating any petition development effort.

Are there criteria that guide the development of a petition?

Yes, the criteria are found in AS 29.06.130 and 3 AAC 110.220-.235. Those criteria should be carefully reviewed when deciding whether to merge. If the prospective petitioner decides to pursue a merger, the criteria should also be used to guide the development of the petition. The Local Boundary Commission will use those same criteria to judge the merits of the petition.

Are state grants available to study the feasibility and need for merger of municipal governments?

No. State funding is not available for studies of prospective municipal mergers.

Does the state provide technical assistance to a prospective petitioner who wishes to propose a merger?

Yes. The staff of the Local Boundary Commission provides certain assistance to prospective petitioners. Such assistance includes providing petition forms and sample successful proposals, consultation regarding policy issues, guidance regarding technical matters, and direction concerning sources of information needed to complete a petition. While the state can provide some assistance, the burden of preparing a proper petition remains with the petitioners.

If a group opposes a merger, does the state assist it as well?

Yes. LBC staff will also provide assistance to any individual or organization that wishes to express views opposing a merger proposal. Assistance to opponents might include providing sample responsive briefs filed in opposition to prior petitions, consultation regarding policy issues, guidance regarding technical matters, and direction where fundamental information needed to complete a responsive brief in opposition to a proposal can be obtained.

Can a petition be amended after it is filed?

The petitioner may amend the petition. The LBC can also amend or impose conditions on a merger proposal following a public hearing. Ideally, however, with careful planning and proper consultation before filing a petition, amendments can be avoided. Amending a petition may, under certain circumstances, cause delays in the consideration of the petition.

How long does it take to merge?

It typically takes several months (in some cases a year or more depending on the local effort) to prepare a proper petition. Prospective petitioners are encouraged to work closely with the LBC staff in developing a petition. Once a petition is completed, the petition is filed with the LBC. The process for review of the proposal by the LBC may take one year or longer. If the commission approves the petition, the state will conduct a local election on the matter. The process for the merger election typically involves about three months

Merger of municipal governments is a complex matter and requires a substantial commitment of time and resources. Before local residents decide to pursue merger, they should carefully think about what a merger will accomplish and the process involved.