



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of Commerce, Community,
and Economic Development**

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Report to the Local Boundary Commission

Regarding the Proposal
to Annex Approximately
76.6 acres to the City of Wasilla

August 2013

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This is the *Report to the Local Boundary Commission Regarding the Proposal to Annex 130.02 Square Miles of Land and Water to the City of Wasilla*. The report was written by the staff to the Local Boundary Commission. The staff is part of the Division of Community and Regional Affairs of the Alaska Department of Commerce, Community, and Economic Development (Commerce). The report and other petition material can also be found at the following address:

[www.commerce.alaska.gov/dca/lbc/2013 Wasilla Unanimous Consent Annexation Petition/](http://www.commerce.alaska.gov/dca/lbc/2013%20Wasilla%20Unanimous%20Consent%20Annexation%20Petition/)

This report is issued in accordance with Local Boundary Commission regulations 3 AAC 110.530 and 3 AAC 110.590 which require Commerce to issue a report after investigation and analysis.

Commerce complies with Title II of the Americans with Disabilities Act of 1990. Upon request, this report will be made available in large print or other accessible formats. Such requests should be directed to the Local Boundary Commission staff at 907-269-4587, 269-4587, or lbc@alaska.gov.

The maps included in this publication are intended to be used as general reference guides only. Source documents remain the official record and should be reviewed to determine accuracy of the illustrations.

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Chapter I. Background

Local Boundary Commission

Local Boundary Commission’s Constitutional Foundation

Article X of the Constitution of the State of Alaska created the Local Boundary Commission (also referred to as "LBC" or "commission").¹ The commission is responsible for establishing and modifying proposed municipal government boundaries. Those Alaskans who drafted the state's constitution believed that local governments should have authority to determine which powers they would exercise. The drafters of the Alaska State Constitution also asserted their belief that the state should set municipal boundaries because “local political decisions do not usually create proper boundaries and that boundaries should be established at the state level.”² Placing decision-making authority with a state body allows arguments for and against boundary changes to be analyzed objectively, taking areawide or statewide needs into account.³

Local Boundary Commission’s Statutory Authority

Pursuant to 29.06.040(a) “the Local Boundary Commission may consider any proposed municipal boundary change.” AS 29.06.040(a) further reads:

the commission may amend the proposed change and may impose conditions on the proposed change. If the commission determines that the proposed change, as amended or conditioned if appropriate, meets the applicable standards under the state constitution and commission regulations and is in the best interests of the state, it may accept the proposed change. Otherwise it shall reject the proposed change. A Local Boundary Commission decision under this subsection may be appealed under AS 44.62.

¹ Article X, section 12 states, “A local boundary commission or board shall be established by law in the executive branch of the state government. The commission or board may consider any proposed local government boundary change. It may present proposed changes to the legislature during the first ten days of any regular session. The change shall become effective forty-five days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by a majority of the members of each house. The commission or board, subject to law, may establish procedures whereby boundaries may be adjusted by local action.”

² *Fairview Public Utility District No. 1 v. City of Anchorage*, 368 P.2d 540, 543 (Alaska 1962) (citing *Alaska Constitutional Convention Minutes of Committee on Local Government*, November 28 and December 4, 1955).

³ *Id.*

LBC Duties and Functions

The LBC acts on proposals for several different municipal boundary changes. These are:

- Incorporating municipalities⁴
- Annexing to municipalities
- Detaching from municipalities
- Merging municipalities
- Consolidating municipalities
- Reclassifying municipalities
- Dissolving municipalities

In addition to the above, the LBC under AS 44.33.812 shall:

- Make studies of local government boundary problems
- Adopt regulations providing standards and procedures for municipal incorporation, annexation, detachment, merger, consolidation, reclassification, and dissolution

The LBC may present proposed local boundary changes to the legislature concerning boundary changes under article X, section 12 of Alaska’s constitution.

Nature of the Commission

Boards and commissions frequently are classified as quasi-executive, quasi-legislative, or quasi-judicial, based on their functions within the Alaska constitution’s separation of powers framework. The LBC is a quasi-legislative commission with quasi-executive and quasi-judicial attributes.

Quasi-Legislative

In 1974, 1976, and again in 1993, the Alaska Supreme Court stated that Alaska’s constitution gives the LBC legislative authority to make fundamental public policy decisions. The court stated that:

[T]he Local Boundary Commission has been given a broad power to decide in the unique circumstances presented by each petition whether borough government is appropriate. Necessarily, this is an exercise of delegated legislative authority to reach basic policy decisions. Accordingly, acceptance of the incorporation petition should be affirmed if we perceive in the record a reasonable basis of support for the Commission’s reading of the standards and its evaluation of the evidence.⁵

Under AS 44.33.812(a)(2), the LBC carries out another quasi-legislative duty when it adopts “regulations providing standards and procedures for municipal incorporation, annexation, detachment, merger, consolidation, reclassification, and dissolution. . . .”⁶

⁴ The term “municipalities” includes both city governments and borough governments.

⁵ *Mobil Oil Corp. v. Local Boundary Comm’n*, 518 P.2d 92, 98-99 (Alaska 1974). *See also Moore v. State*, 553 P.2d 8, n. 20 at 36 (Alaska 1976); and *Valleys Borough Support v. Local Boundary Comm’n*, 863 P.2d 232, 234 (Alaska 1993).

⁶ *See U.S. Smelting, Refining & Min. Co. v. Local Boundary Comm’n*, 489 P.2d 140 (Alaska 1971), discussing applying due process requirements to develop boundary change standards and procedures in commission proceedings.

Quasi-Executive

Article X, section 12 of Alaska's constitution placed the LBC in the state's executive branch. The commission's duty under AS 44.33.812(a)(1) to "make studies of local government boundary problems" is one example of the LBC's quasi-executive nature.

Quasi-Judicial

Although it is part of the executive branch and exercises delegated legislative authority, the LBC also has a quasi-judicial nature. In particular, the LBC has a mandate to apply pre-established standards to facts, to hold hearings, and to follow due process in conducting petition hearings and rulings.

The LBC's quasi-judicial nature requires that a reasonable basis of support exist for the LBC's reading of the standards and evaluating the evidence. The LBC's quasi-legislative nature provides it with considerable discretion in applying those standards and weighing evidence.

Limits on Directly Contacting the LBC

When the LBC acts on a petition for a municipal boundary change, it does so in a quasi-judicial capacity. LBC proceedings regarding a municipal boundary change must be conducted in a manner that upholds everyone's right to due process and equal protection. Those rights are preserved by ensuring that communications with the LBC concerning municipal boundary proposals are conducted openly and publicly.

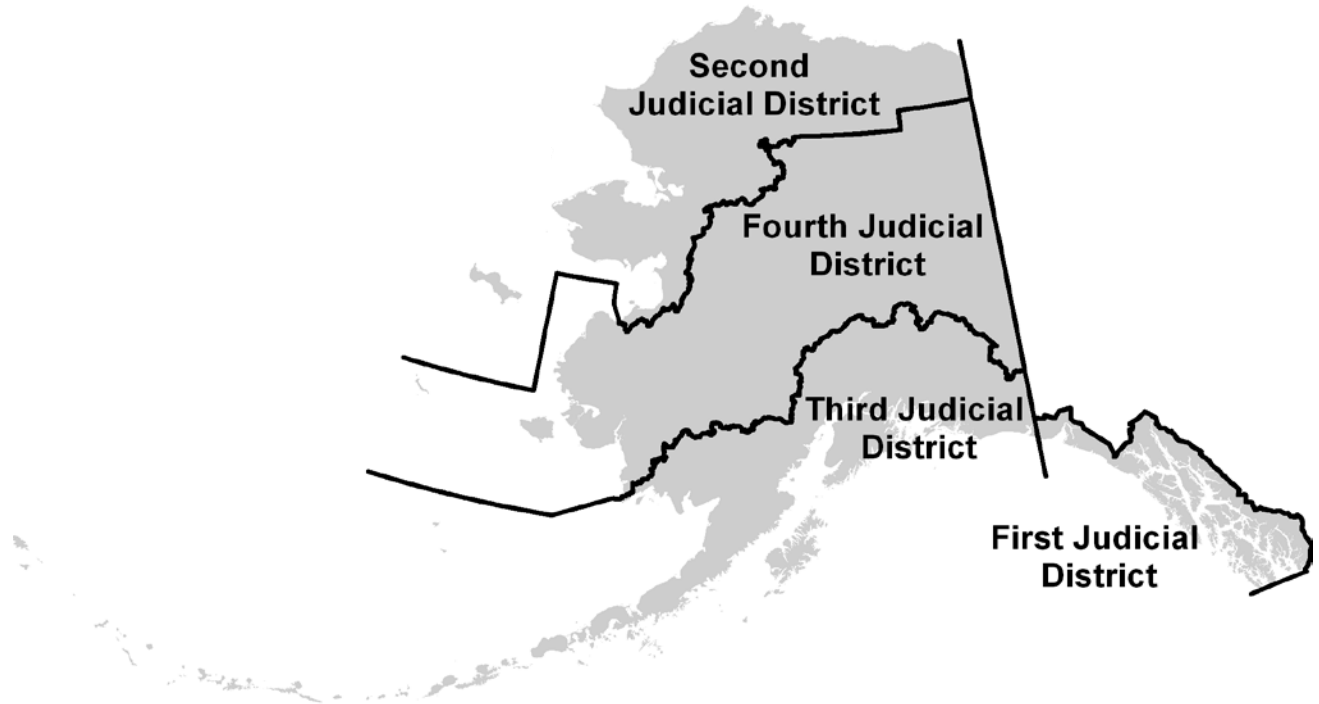
To regulate communications, the LBC adopted 3 AAC 110.500(b) which expressly prohibits private (*ex parte*) contact between the LBC and any individual, other than its staff, except during a public meeting called to address a municipal boundary proposal. The limitation takes effect upon a petition's filing and remains in place through the last date available for the commission to reconsider a decision. If a LBC decision is appealed to the court, the *ex parte* contact limitation is extended throughout the appeal, in the event that the court requires additional consideration by the LBC. All communications with the commission must be submitted through the LBC's staff.

LBC Membership

The LBC is an autonomous commission. The governor appoints LBC members for five-year overlapping terms (AS 44.33.810). Notwithstanding their terms' prescribed length, however, LBC commissioners serve at the governor's pleasure (AS 39.05.060(d)).

The LBC is comprised of five members (AS 44.33.810). One member is appointed from each of Alaska's four judicial districts. The chair is appointed from the state at large. LBC members receive no pay for their service.

ALASKA JUDICIAL MAP



The biographies of LBC members:



Lynn Chrystal, Chair, At Large Appointment, Valdez

Governor Palin appointed Lynn Chrystal as the member from the Third Judicial District on March 27, 2007. Governor Parnell appointed him as the Local Boundary Commission's chair on September 10, 2009. Mr. Chrystal is a current resident and former mayor of the City of Valdez, and former member of the Valdez City Council. He has lived in Valdez since 1975. Mr. Chrystal retired in 2002 from the federal government after four years in the Air Force and 36 years with the National Weather Service. He has worked in Tin City, Barrow, Yakutat, and Valdez. Chair Chrystal has served on the boards of several civic groups and other organizations including the Resource Development Council, Pioneers of Alaska, and Copper Valley Electric Cooperative. His current term on the LBC ends January 31, 2018.



John Harrington, First Judicial District, Ketchikan

Governor Parnell appointed John Harrington of Ketchikan as the member from the First Judicial District on the Local Boundary Commission on September 10, 2009. Mr. Harrington is a real estate manager and previously worked as an adult education coordinator in Ketchikan from 1985-97. He was also a special education teacher and administrator in Washington state from 1972-84. He served on the Ketchikan Gateway Borough Assembly 2005 through 2011, chairing the borough's Planning Liaison and Economic Development Advisory Committee among others. His community service includes chairing the North Tongass Fire and EMS Service Area Board from 2002-05, serving on the Ketchikan Charter Commission from 2003-04, and serving as an elected member of the Ketchikan Gateway Borough school board from 1988-94. Commissioner Harrington earned a bachelor's degree in psychology and history from Western Washington University and a master's degree in educational administration from Seattle University. His current term on the LBC ends January 31, 2016.



Robert "Bob" Harcharek, Second Judicial District, Barrow

Governor Knowles appointed Robert "Bob" Harcharek as the member from the Second Judicial District on the Local Boundary Commission on July 18, 2002. Governor Murkowski reappointed him to the LBC on March 24, 2004. He has served as the commission's vice chair. On March 9, 2009, Governor Palin reappointed him to the LBC. In 1977 he earned a Ph.D. in international and development education from the University of Pittsburgh. Commissioner Harcharek served for three years in Thailand as a Peace Corps volunteer. Dr. Harcharek has lived and worked on the North Slope for more than 30 years. Commissioner Harcharek recently retired from the North Slope Borough as the Community and Capital Improvement Projects (CIP) Planner for the Department of Public Works. He served as a member of the Barrow City Council for fifteen years, and is currently Mayor and Chief Administrative Officer for the City of Barrow. His current LBC term ends January 31, 2014.



Darroll Hargraves, Third Judicial District, Wasilla

Governor Parnell appointed Darroll Hargraves of Wasilla to the Local Boundary Commission as the member from the Third Judicial District. Mr. Hargraves is a consultant and owner of School and Community Resources. He is a retired school superintendent of the Nome and Ketchikan Gateway Borough school districts, and has served as the executive director of the Alaska Council of School Administrators. Commissioner Hargraves is a charter member of the Alaska Council of Economic Education, Commonwealth North, and the Wasilla Chamber of Commerce. A former member and chair of the LBC, he holds a master’s degree in education, an education specialist degree from University of Alaska Fairbanks, and an honorary doctorate of letters degree from Oakland City University. His term ends on January 31, 2017.



Lavell Wilson, Fourth Judicial District, Tok

Governor Palin appointed Lavell Wilson, a Tok resident, as the member from the Fourth Judicial District on the Local Boundary Commission, on June 4, 2007. Commissioner Wilson is a former member of the Alaska House of Representatives, serving the area outside of the Fairbanks North Star Borough in the Eighth State Legislature. He moved to Alaska in 1949 and has lived in the Northway/Tok area since. Commissioner Wilson attended the University of Alaska Fairbanks and Brigham Young University. Commissioner Wilson worked as a licensed aircraft mechanic, commercial pilot, and flight instructor for 40 Mile Air from 1981-1995, retiring as the company's chief pilot and office manager. Mr. Wilson became a licensed big game guide in 1963. He has also worked as a surveyor, teamster, and construction laborer, retiring from the Operating Engineers’ Local 302 in Fairbanks. As a member of Local 302, he worked for 12 years on the U.S. Air Force's White Alice system, the ballistic missile defense site at Clear, and the radar site at Cape Newenham. Commissioner Wilson has also taught a course at the University of Alaska for the past few years on the history of the Upper Tanana Valley. His current term on the LBC ends January 31, 2015.

Local Boundary Commission Staff

Constitutional Origin

Alaska’s constitution called for establishing an executive branch agency to advise and assist local governments (article X, section 14). The duty to serve as the constitutional local government agency is presently delegated to the Alaska Department of Commerce, Community, and Economic Development (Commerce) pursuant to AS 44.33.020(a)(4)⁷. Within Commerce, the Division of Community and Regional Affairs (DCRA) performs the local government agency’s functions. In addition to its more general duty to aid local governments, DCRA provides staff, research, and assistance to the LBC.

⁷ AS 44.33.020(a)(1) provides that Commerce “shall (1) advise and assist local governments.”

LBC Staff Role

3 AAC 110.435 sets out the role of the LBC staff. LBC staff is required by 3 AAC 110.530⁸ to investigate and analyze each boundary change proposal and to make recommendations regarding the proposal to the LBC. For each petition, staff will write at least one report for the commission. The report(s) is made available to the public as well. Staff follows a reasonable basis standard in developing recommendations on matters before the LBC. Its recommendations to the LBC are based on properly interpreting the applicable legal standards, and rationally applying those standards to the proceeding's evidence. Due process is best served by providing the LBC with a thorough, credible, and objective analysis of every municipal boundary proposal.

The LBC staff provides support to the commission. The staff also provides technical assistance to municipalities, to residents of areas impacted by existing or potential petitions to create or alter municipal governments, to petitioners, to respondents, to agencies, and to others.

Assistance the LBC staff provides includes:

- Answering citizen, legislative, and other governmental inquiries relating to municipal government issues
- Writing reports on petitions for the LBC
- Drafting LBC decisions
- Traveling to communities to hold meetings and to answer questions about proposed local boundary changes
- Drafting for the LBC an annual report to the legislature
- Developing and updating municipal incorporation or alteration forms
- Sending local boundary change forms and materials to interested persons
- Providing a link between the LBC and the public
- Maintaining incorporation and boundary records for Alaska's municipal governments
- Coordinating and scheduling LBC public meetings and hearings
- Developing orientation materials and providing training for new LBC members
- Maintaining and preserving LBC records in accordance with Alaska's public records laws

⁸ *Also see* AS 29.04.040, AS 29.05.080, AS 29.06.110, and AS 29.06.480 - 29.06.490.

The LBC staff contact information:

Local Boundary Commission staff
550 West Seventh Avenue, Suite 1640
Anchorage, Alaska 99501-3510
Fax: (907) 269-4563
lbc@alaska.gov

Brent Williams: (907) 269-4559
brent.williams@alaska.gov

Brice Eningowuk: (907) 269-4587
brice.eningowuk@alaska.gov

Petition Procedures

Procedures to establish and alter municipal boundaries and to reclassify cities are designed to ensure every proposal's reasonable and timely determination. The procedures are also intended to ensure commission decisions are based on an analysis of the facts and the applicable legal standards. Procedures are as follows:

Preparing and Filing a Petition

The LBC staff offers technical assistance, information, and forms to prospective petitioners. LBC staff routinely advises submitting drafts so staff can identify any technical deficiencies in form and content. This allows the petitioner to correct the draft before it is circulated for voter signatures, or before adoption by a municipal government. Once a formal petition is prepared, it is submitted to LBC staff for technical review. If it contains all the required information, the LBC staff accepts it for filing.

Public Notice and Public Review

Once a petition is accepted for filing, the staff arranges extensive public notice. There is ample opportunity for public comment during the process. Interested parties are given opportunity to submit responsive briefs and comments supporting or opposing a petition. The petitioner is provided opportunity to file one brief replying to public comments and responsive briefs.

Analysis

Following the public comment period, the LBC staff analyzes the petition, responsive briefs, written comments, the reply brief, and other materials. The petitioner, and the LBC staff, can conduct informational meetings. When it ends its analysis, the LBC staff issues a report which includes a recommendation to the LBC. The report is circulated for public review and comment.

Commission Review of Materials, Public Hearings, and Decision

LBC members review the petition, responsive briefs, written comments, reply briefs, and the staff report. The LBC is an autonomous commission. While the commission is not obligated to follow the staff's recommendations, it has historically considered the LBC staff's analyses and recommendations to be critical components of the record in municipal boundary proceedings. The LBC considers the entire record when it renders a decision.

The commission may tour the area before the hearing to better understand the area. Following extensive public notice, the LBC conducts a hearing. After the hearing, the LBC holds a decisional meeting. At the decisional meeting, the LBC may act by:

- Approving the petition as presented
- Amending the petition (e.g., expanding or contracting the proposed boundaries)
- Imposing conditions on approving the petition (e.g., requiring voter approval of a proposition authorizing levying taxes to ensure financial viability)
- Denying the petition

LBC Decisions Must Have a Reasonable Basis

LBC decisions regarding petitions must have a reasonable basis. Both the LBC's interpretation of the applicable legal standards and its evaluation of the evidence in the proceeding must be rational.⁹ The LBC must proceed within its jurisdiction, conduct a fair hearing and avoid any prejudicial abuse of discretion. Abuse of discretion occurs if the LBC has not proceeded in the manner required by law, or if the evidence does not support the LBC's decision.

The LBC must adopt a written decision stating the basis for its decision. Decision copies are issued to the petitioner, respondents, and others who request them. At that point the decision becomes final, but is subject to reconsideration. Any person may ask the LBC to reconsider its decision under 3 AAC 110.580. For unanimous consent petitions, such requests must be filed within 10 days after the decision is mailed per 3 AAC 110.590(a)(9). The LBC may order reconsideration on its own motion. If the LBC does not approve any reconsideration requests within 30 days of the decision's mailing date, all reconsideration requests are automatically denied.

Conclusion

This chapter has described the Local Boundary Commission's background, the role of the LBC staff, and petition procedures. Chapter 2 will discuss this petition's proceedings to date.

⁹ See *Keane v. Local Boundary Commission*, 893 P.2d 1239, 1241 (Alaska 1995). When an administrative decision involves expertise regarding either complex subject matter or fundamental policy formulation, the court defers to the decision if the decision has a reasonable basis.

Chapter II To Date and Future Proceedings

Modified procedures for certain local action annexations

Annexation by local action using the method informally known as unanimous consent requires all property owners and registered voters residing in a territory adjoining the city to sign a simple petition for annexation. The city must then adopt an ordinance to authorize a petition to the LBC and submit a petition in the form and content required by law. (AS 29.06.040(c)(4); 3 AAC 110.150(2); 3 AAC 110.590).

Submission and Review of Petition

The petition was accepted for filing on March 7, 2013.

Public Notice

Notice was published in the *Matanuska-Susitna Valley Frontiersman* on Friday, March 22, 2013.

Service of Petition

On March 19 and 21, 2013, the City of Wasilla served the following municipalities, in person or via United States Postal Service, copies of the notice of the filing of the petition:

Matanuska-Susitna Borough City of Palmer City of Houston
Municipality of Anchorage

Posting of Notice

On March 22, 2013 notice of the filing of the Petition was posted at the following locations within or near the territory proposed for annexation:

Right-of-way at southeast corner of Parks Highway and Lamont Circle.

Right-of-way at southwest corner of Parks Highway and Lamont Circle.

Denali Family Restaurant

On March 22, 2013, notice of the filing of the Petition was also posted in the following locations within the existing boundaries of the City of Wasilla:

Wasilla City Hall, City Clerk's Office Wasilla Public Library

Wasilla City Hall, Wasilla Planning Department

Deadline for Initial Comments and Responsive Briefs

The notice of filing invited written public comment concerning the proposed annexation. The comments were due by April 5, 2013. No comments were submitted.

Deadline for Comments on this Report

The deadline for receipt of written comments concerning this report and recommendation by LBC staff is 4:30 p.m., Monday, September 9, 2013. Submit written comments to:

LBC staff
550 W. Seventh Avenue, Suite 1640
Anchorage, Alaska 99501-3510
Fax: 907-269-4563
Email: lbc@alaska.gov

LBC Public Hearing

The Local Boundary Commission will meet to convene a telephonic public meeting on Thursday, September 12 at 10:00 in the Atwood Building, 550 West 7th Avenue, Room 1620, Anchorage, AK. One item will be a hearing under 3 AAC 110.560 regarding the proposal to annex territory to the City of Wasilla. Individuals and entities who wish to participate in the meeting may appear in person, or may participate telephonically. To participate in the teleconference, please call 1-800-315-6338, and type in 4587# for the code. Formal notice of the public hearing was published in the *Matanuska-Susitna Valley Frontiersman* August 2, 9, and 16 per 3 AAC 110.550. Additionally, notice was sent to the Petitioner.

The hearing will begin with a summary by LBC staff of its conclusions and recommendations concerning the pending proposal. Following the LBC staff's summary, the LBC chair can allow the Petitioner to make an opening statement that can be limited to ten minutes.

Following its opening statement, the Petitioner may present formal sworn testimony by individuals with expertise in matters relevant to the pending annexation proposal. No time limit on testimony by the Petitioner is established in law. However, the LBC chair will regulate the time and content of statements, testimony, and comments to exclude irrelevant or repetitious statements, testimony, and comments.

At the conclusion of the testimony phase of the hearing, the commission will receive public comment from any interested person that can be limited to three minutes per person. A member of the commission may question witnesses or persons providing public comment.

Following the period of public comment, the chair can allow the Petitioner to make a closing statement not to exceed 10 minutes.

No brief or other evidence may be filed at the time of the public hearing unless the commission determines that good cause exists for such materials not being presented in a timely manner for written response by the petitioner or respondents, or for consideration in the LBC reports.

In compliance with Title II of the Americans with Disabilities Act of 1990, LBC staff will make available reasonable auxiliary aids, services, and/or special modifications to individuals with disabilities who need such accommodations to participate at the hearing on this matter. Persons

needing such accommodations should contact LBC staff at lbc@alaska.gov at least one week prior to the hearing. Individuals with disabilities who need auxiliary aids, services, or special modifications to participate must contact LBC staff by 4:30 on Thursday, September 5, 2013.

If anyone attending the hearing does not have a fluent understanding of English, the commission will allow time for translation. Unless other arrangements are made before the hearing, the individual requiring assistance must arrange for a translator.

LBC Decisional Meeting

The LBC must render a decision within 10 days of the hearing (3 AAC 110.590)(a)(8). If the commission determines that it has sufficient information to properly judge the merits of the annexation proposal following the hearing, the LBC may convene a decisional session shortly after the conclusion of the hearing. The commission will hold its decisional meeting telephonically in the same location on September 12, immediately after the hearing on Wasilla's annexation petition. During the decisional meeting, no new evidence, testimony, or briefing may be submitted. However, commission members may ask their staff or other persons for a point of information or clarification.

Within thirty days after the commission has rendered its decision, it must adopt a written statement explaining all major considerations leading to its decision. A copy of the statement will be provided to the Petitioner and any others who request a copy.

Reconsideration

Any interested person or organization may ask the commission to reconsider its decision in this matter. A request for reconsideration may be filed within 10 days after the written decisional statement has been mailed to the Petitioner.

A reconsideration request must describe in detail the facts and analyses that support the request for reconsideration. The LBC will reconsider a decision only if:

- there was a substantial procedural error in the original proceeding;
- the original vote was based on fraud or misrepresentation; or
- the commission failed to address a material issue of fact or a controlling principle of law; or
- new evidence not available at the time of the hearing relating to a matter of significant public policy has become known.

If the commission takes no action on a request for reconsideration within thirty days after the decisional statement was mailed to the Petitioner, the request is automatically denied. If the commission grants a request for reconsideration, the Petitioner may file a responsive brief for consideration by the commission. Ten days are allotted to file such a brief.

Voting Rights Act of 1965 Preclearance

Until June of 2013, if the Commission approved a petition for annexation, the boundary change would have been subject to review by the U.S. Department of Justice or U.S. District Court for the District of Columbia under the federal Voting Rights Act of 1965. The Voting Rights Act of 1965 forbade any change to municipal jurisdiction that has the purpose or effect of denying or abridging minority voting rights. In June of 2013 the U.S. Supreme Court found the applicable part of that act to be unconstitutional; however both 3 AAC 110.420(b)(18) and 3 AAC 110.910 pertaining to civil and political rights are still in effect.

Judicial Appeal

A decision of the LBC may be appealed to Superior Court under AS 44.62.560(a) and Rules of Appellate Procedure 602(a)(2).

Conclusion

This chapter has described the proceedings to date, and the future proceedings and deadlines. Chapter III will discuss the department's analysis.

Chapter III Department's Analysis

Introduction

This report provides recommendations to the Local Boundary Commission (LBC).

The LBC staff (hereafter "LBC staff," "staff," "Commerce," "DCRA," or "department") received no comment during the public comment period that ended April 5, 2013. The report addressed the standards by analyzing the factors which the LBC considers.

Section 1: Need

3 AAC 110.090. Needs of the territory.

(a) The territory must exhibit a reasonable need for city government. In this regard, the commission may consider relevant factors, including

(1) existing or reasonably anticipated social or economic conditions, including the extent to which residential and commercial growth of the community has occurred or is reasonably expected to occur beyond the existing boundaries of the city;

(2) existing or reasonably anticipated health, safety, and general welfare conditions;

(3) existing or reasonably anticipated economic development;

(4) adequacy of existing services;

(5) extraterritorial powers of the city to which the territory is proposed to be annexed and extraterritorial powers of nearby municipalities; and

(6) whether residents or property owners within the territory receive, or may be reasonably expected to receive, directly or indirectly, the benefit of services and facilities provided by the annexing city.

(b) Territory may not be annexed to a city if essential city services can be provided more efficiently and more effectively by another existing city or by an organized borough on an areawide basis or non-areawide basis, or through an existing borough service area.

Commerce finds that the territory does exhibit a reasonable need for city government so that the property owners in the territory proposed for annexation can receive the benefit of city zoning regulations and code enforcement. This is in their best interests because it would protect the values of their commercial properties. The owners requested the annexation.

Further, under 3 AAC 110.090(b), Commerce finds that essential city services cannot be provided more efficiently and more effectively by another existing city, or by an organized borough on an areawide basis or non-areawide basis, or through an existing borough service area. The Matanuska-

Susitna Borough (hereafter “borough”) does not have a police force. Planning power, even if not ceded to the city, can be best performed locally, because the Wasilla residents have the best idea of what the planning needs are. The city, but not the borough, can provide water and sewer services to the territory (the city’s service lines do not adjoin the territory, but are within a reasonable distance, and can be extended to the territory at the owners’ expense).

Commerce finds that 3 AAC 110.090 is met.

Section 2: Character

3 AAC 110.100. Character.

The territory must be compatible in character with the annexing city. In this regard, the commission may consider relevant factors, including the

- (1) land use and subdivision platting;*
- (2) salability of land for residential, commercial, or industrial purposes;*
- (3) population density;*
- (4) cause of recent population changes; and*
- (5) suitability of the territory for reasonably anticipated community purposes.*

The territory is commercial in nature. It borders the Parks Highway on the north. The properties presently in the city that border the Parks Highway are also commercial in nature. Further, the property to the east and the south of the territory are zoned for industrial and/or commercial uses.

Commerce finds that the territory is compatible in character with the annexing city because Wasilla also has extensive commercial properties. The territory is used for similar purposes as the adjoining land. For those reasons, Commerce finds that 3 AAC 110.100 is met.

Section 3: Resources

3 AAC 110.110. Resources.

The economy within the proposed boundaries of the city must include the human and financial resources necessary to provide essential city services on an efficient, cost-effective level. In this regard, the commission may consider relevant factors, including the

- (1) reasonably anticipated functions of the city in the territory being annexed;*
- (2) reasonably anticipated new expenses of the city that would result from annexation;*

(3) actual income and the reasonably anticipated ability to generate and collect local revenue and income from the territory;

(4) feasibility and plausibility of those aspects of the city's anticipated operating and capital budgets that would be affected by the annexation through the third full fiscal year of operation after annexation;

(5) economic base of the city after annexation;

(6) property valuations in the territory proposed for annexation;

(7) land use in the territory proposed for annexation;

(8) existing and reasonably anticipated industrial, commercial, and resource development;

(9) personal income of residents in the territory and in the city; and

(10) need for and availability of employable skilled and unskilled persons to serve the city as a result of annexation.

Wasilla's submitted FY 2013 budget showed income of \$22,858,574 and expenses of \$22,464,822. This resulted in a surplus of \$393,752. Wasilla had a unassigned fund balance of \$13,933,375.

Wasilla's submitted FY 2014 budget showed income of \$33,872,696 and expenses of \$34,274,576. This resulted in a deficit of \$401,980, or 1.17 percent of the budget. Wasilla also has a FY 14 unassigned fund balance of \$13,531,395. The \$401,980 deficit was covered by drawing on the unassigned fund balance by \$401,980. Although Commerce is concerned about the FY 14 deficit, Commerce feels that the city's overall budgetary health is sound, particularly given its reserves.

As another measure of governmental funds' liquidity, it is useful to compare *unassigned* fund balances to total fund expenditures. The Government Finance Officers Association (GFOA) has formally recommended that the minimum level of unreserved (or unassigned) fund balance in the general fund be no less than five percent to 15 percent of the regular general fund operating revenues, or one to two months of regular general fund operating expenditures. In FY 13, the city had a reserve of \$13,933,375 and a budget of \$22,464,822, or a ratio of reserve to budget of 62.02 percent. Even in FY 14, the city has a reserve of \$13,531,395 and a budget of \$34,274,576, or a ratio of reserve to budget of 34.48 percent. Both of those ratios considerably exceed the recommended amount.

The territory is anticipated to be commercially developed. The city estimates that the property will generate taxable sales of \$1,779,000 if developed commercially. At a two percent sales tax rate, this would produce an estimated revenue of \$35,580 annually. The city would provide police, fire zoning, sewer, and other services. As the property owners would be responsible for paying for sewer hookup, it is unlikely that the cost of city services would exceed the taxable income to the territory.

Regarding human resources, Wasilla incorporated in 1974, and has a 2011 population of 8,064. That is more than enough people to provide essential municipal services efficiently.

Commerce finds that the economy within the proposed boundaries of the city includes the human and financial resources necessary to provide essential city services on an efficient, cost-effective level.

Section 4: Population

3 AAC 110.120. Population.

The population within the proposed boundaries of the city must be sufficiently large and stable to support the extension of city government. In this regard, the commission may consider relevant factors, including

- (1) total census enumeration;*
- (2) duration of residency;*
- (3) historical population patterns;*
- (4) seasonal population changes; and*
- (5) age distributions.*
- (6) contemporary and historical public school enrollment data; and*
- (7) nonconfidential data from the Department of Revenue regarding applications under AS 43.23 for permanent fund dividends.*

Wasilla's population has increased from 1,559 in 1980, to 4,028 in 1990, to 5,469 in 2000, to 7,831 in 2010, to 8,064 in 2011. The first four figures are from the U.S. Census, and the last is a Commerce estimate. This results in a large city population (the third largest city in the state, behind Fairbanks and Ketchikan). The population is not only large by Alaskan standards, it is also growing. For those reasons, Commerce finds that the population is large and stable enough to support the extension of city government.

Section 5: Boundaries

3 AAC 110.130 Boundaries

(a) The proposed expanded boundaries of the city must include all land and water necessary to provide the development of essential municipal services on an efficient, cost-effective level. In this regard, the commission may consider relevant factors, including

- (1) land use and ownership patterns;*
- (2) population density;*
- (3) existing and reasonably anticipated transportation patterns and facilities;*

(4) natural geographical features and environmental factors; and

(5) extraterritorial powers of cities.

(b) Absent a specific and persuasive showing to the contrary, the commission will presume that territory that is not contiguous to the annexing city, or that would create enclaves in the annexing city, does not include all land and water necessary to allow for the development of essential municipal services on an efficient, cost-effective level.

(c) To promote the limitation of community, the proposed expanded boundaries of the city

(1) must be on a scale suitable for city government and may include only that territory comprising an existing local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the effective date of annexation; and

(2) may not include entire geographical regions or large unpopulated areas, except if those boundaries are justified by the application of the standards in 3 AAC 110.090 - 3 AAC 110.135 and are otherwise suitable for city government.

(d) If a petition for annexation to a city describes boundaries overlapping the boundaries of an existing organized borough, the petition for annexation must 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. If a petition for annexation to a city describes boundaries overlapping the boundaries of another existing city, the petition for annexation must also address and comply with the standards and procedures for detachment of territory from a city, merger of cities, or consolidation of cities.

In analyzing 3 AAC 110.130(a), Wasilla presently consists of 13.43 square miles. If the annexation of the 76.6 acres territory is approved, the proposed post-annexation city size would consist of 13.54 square miles of land and water. Commerce finds this is sufficient land and water to provide the development of essential municipal services on an efficient, cost-effective level.

In analyzing 110.130(b), the territory is contiguous to the city. The annexation would not create enclaves.

For 3 AAC 110.130(c)(1), the proposed post-annexation city size would consist of 13.54 square miles of land and water . Commerce finds that it is on a scale suitable for city government.

As for the rest of 3 AAC 110.130(c)(1)'s requirements, Commerce finds that as Wasilla is an incorporated city, it is an existing local community. Given Wasilla's growth discussed in the analysis of 3 AAC 110.120 above, it is likely that proposed expanded boundaries of the city will include reasonably predictable growth, development, and public safety needs during the 10 years following the effective date of annexation. The territory proposed for annexation does not go beyond those reasonably predictable growth, development, and public safety needs during the 10 years after the proposed annexation. For those reasons, Commerce finds that 3 AAC 110.130(c)(1) has been met.

For 3 AAC 110.130(c)(2), Commerce finds that the proposed expanded boundaries of the city do not include entire geographical regions or large unpopulated areas. If, *arguendo*, the territory did include entire geographical regions or large unpopulated areas, then by 3 AAC 110.130(c)(2) those boundaries are justified by applying the standards of 3 AAC 110.090 - 3 AAC 110.135 and are otherwise suitable for city government. As this report shows, Commerce finds that the proposed expanded boundaries meet the standards of 3 AAC 110.090 - 3 AAC 110.135, and are otherwise suitable for city government. Commerce finds that the standards of 3 AAC 110.130(c)(2) are met.

3 AAC 110.130(d) is inapplicable because this petition for annexation to a city neither describes boundaries overlapping the boundaries of an existing organized borough, nor describes boundaries overlapping the boundaries of another existing city.

Section 6: Best interests of state

3 AAC 110.135. Best interests of state. In determining whether annexation to a city is in the best interests of the state under AS 29.06.040(a) [which states,

“The Local Boundary Commission may consider any proposed municipal boundary change. The commission may amend the proposed change and may impose conditions on the proposed change. If the commission determines that the proposed change, as amended or conditioned if appropriate, meets applicable standards under the state constitution and commission regulations and is in the best interests of the state, it may accept the proposed change. Otherwise it shall reject the proposed change. A Local Boundary Commission decision under this subsection may be appealed under AS 44.62 (Administrative Procedure Act.)”].

the commission may consider relevant factors, including whether annexation

- (1) promotes maximum local self-government;*
- (2) promotes a minimum number of local government units; and*
- (3) will relieve the state government of the responsibility of providing local services.*

The petition would be in the best interests of the state for several reasons. First, the annexation would promote maximum local self government by further empowering the City of Wasilla. This is so because the city would grow in size and have increased tax revenue. Secondly, it would promote a minimum number of local government units because no new municipalities would be created. Instead, an existing city would expand. Further, the annexation would also decrease the demand for state services because Wasilla police would be the primary responders to the territory instead of the Alaska State Troopers (AST). Commerce concludes that annexation is in the best interests of the state and so 3 AAC 110.135 is met.

Section 7: Transition

3 AAC 110.900. Transition.

(a) A petition for incorporation, annexation, merger, or consolidation must include a practical plan that demonstrates the capacity of the municipal government to extend essential city or essential borough services into the territory proposed for change in the shortest practicable time after the effective date of the proposed change. A petition for city reclassification under AS 29.04, or municipal detachment or dissolution under AS 29.06, must include a practical plan demonstrating the transition or termination of municipal services in the shortest practicable time after city reclassification, detachment, or dissolution.

(b) Each petition must 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, and other appropriate entity located in the territory proposed for change. The plan must be prepared in consultation with the officials of each existing borough, city and unorganized borough service area, and must be 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 change.

(c) Each petition must 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 entity located in the territory proposed for change. The plan must be prepared in consultation with the officials of each existing borough, city, and unorganized borough service area wholly or partially included in the area proposed for the change, and must be 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 change. The plan must 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.

(d) Before approving a proposed change, the commission may require that all boroughs, cities, unorganized borough service areas, or other entities wholly or partially included in the area 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.

(e) The transition plan must state the names and titles of all officials of each existing borough, city, and unorganized borough service area that were consulted by the petitioner. The dates on which that consultation occurred and the subject addressed during that consultation must also be listed.

In 3 AAC 110.900(a), the city indicates in its transition plan that there are several essential municipal services that it anticipates extending to the territory proposed for annexation. These include road service, planning and land use, public safety, and possible water and sewer service. The city anticipates completing its transition, within a few months, far before the required two years. If the commission approves the petition, most parts of the transition plan would take effect almost immediately. There would not be a local election, as all property owners have unanimously requested that the city annex their property. The plan demonstrates the capacity of the municipal government

to extend essential city services into the territory proposed for change in the shortest practicable time after the effective date of the proposed change.

For 3 AAC 110.900(b), as above, the transition is fairly minimal. The petition has described how and when Wasilla will extend existing powers, rights, duties, and functions to the territory proposed for annexation. The plan was prepared in consultation with the borough manager. The city would assume the responsibility for road maintenance of Lamont Circle from the borough, and assume police service from the AST.

Regarding 3 AAC 110.900(c), there are no assets or liabilities for the city to assume because of the proposed annexation. Nor is there any public infrastructure in the privately owned territory that the city would assume, either as an asset or as a liability.

3 AAC 110.900(d) is not a requirement, but it's an option that the LBC may exercise to require an agreement for the assumption of powers, duties, rights, and functions, and for the transfer and integration of assets and liabilities.

For 3 AAC 110.900(e), the petition listed the official consulted for the transition plan. The petitioner also listed the dates and subjects discussed.

3 AAC 110.900(f) is inapplicable for this petition.

This transition plan is feasible, and meets the standard of 3 AAC 110.900.

Section 8: Statement of non-discrimination

3 AAC 110.910. Statement of non-discrimination. A petition will not be approved by the commission if the effect of the proposed change denies any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin.

Nothing in these proceedings suggest that the proposed annexation will adversely affect the enjoyment of any individual's civil or political rights, including voting rights, because of race, color, creed, sex, or national origin. The territory is uninhabited. Annexing it will not change the city's population. Based on the foregoing, Commerce concludes that annexation will not result in any form of discrimination. The standard of 3 AAC 110.910 is satisfied.

3 AAC 110.970. Determination of essential municipal services

(c) If a provision of this chapter calls for the identification of essential municipal services for a city, the commission will determine those services to 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.*

(d) The commission may determine essential municipal services for a city to include

- (1) levying taxes;*
- (2) for a city in the unorganized borough, assessing the value of taxable property;*
- (3) levying and collecting taxes;*
- (4) for a first class or home rule city in the unorganized borough, establishing, maintaining, and operating a system of public schools within the city as provided in AS 14.14.065;*
- (5) public safety protection;*
- (6) planning, platting, and land use regulation; and*
- (7) other services that the commission considers reasonably necessary to meet the local governmental needs of the residents of the community.*

Regarding 3 AAC 110.970(c)(1), the essential municipal services for Wasilla include police service because that protects life and property, and so is reasonably necessary to the community. Commerce also finds the levying and collection of taxes to be an essential municipal service because without it, a municipality cannot function and so tax levying and collection are reasonably necessary. Wasilla levies no property taxes, but does levy a two percent sales tax. Land use, planning, and zoning are essential municipal services because of the potential development in the city's proposed expanded boundaries. Other city services such as road maintenance, water and sewer service, and planning and zoning are reasonably necessary to the community.

All of these services promote maximum, local self-government because they empower Wasilla to run more of its own affairs, and to generate the revenue for doing so, as opposed to either having no services, or to having the services provided by the borough or the state. It puts the city government and its citizens in a position of being proactive.

There has been no evidence presented that the essential municipal services can be provided more efficiently and more effectively by the creation or modification of some other political subdivision of the state. Wasilla already is in the Matanuska-Susitna Borough. As both the borough and the city already exist, and Wasilla is already providing essential municipal services, there is no need to modify or create another political subdivision.

For the above reasons, Commerce concludes that 3 AAC 110.970 is met.

3 AAC 110.981. Determination of maximum local self-government

In determining whether a proposed boundary change promotes maximum local self-government under art. X, sec. 1, Constitution of the State of Alaska, the commission will consider

(8) for city incorporation or annexation in an organized borough, whether the proposal would extend local government to territory or population of the organized borough where local government needs cannot be met by the borough on an areawide or nonareawide basis, by annexation to an existing city, or through an existing borough service area;

Commerce finds that the annexation petition would extend local government to the current territory where local government needs cannot be met more efficiently or effectively by the borough on an areawide or nonareawide basis, by annexation to an existing city, or through an existing borough service area. As Wasilla is already providing essential municipal services, it can provide them more effectively. The borough offices are further away, there is no city closer than Wasilla, and multiple borough service areas would need to be created or expanded to provide those same services that Wasilla provides, and can easily provide to the territory. No other local government can meet the territory's government needs. Commerce concludes that the petition meets 3 AAC 110.981.

3 AAC 110.982. Minimum number of local government units

Among the factors to be considered in determining whether a proposed boundary change promotes a minimum number of local government units in accordance with art. X, sec. 1, Constitution of the State of Alaska, the commission will consider

(7) for city annexation, whether the jurisdictional boundaries of an existing city are being enlarged rather than promoting the incorporation of a new city or creation of a new borough service area;

By annexing this territory, the city would not enlarge its boundaries to the degree that would instead be better served by incorporating a new city, or creating a new borough service area. The territory could not be self-sustaining if it were to incorporate as its own city because it is unpopulated, and consists of only 76.6 acres. Nor would it be effective to create the many borough service areas necessary to provide those same services that Wasilla provides, and can easily provide to the territory.

The territory proposed for annexation promotes a minimum number of local government units because it expands an existing municipality, instead of creating a new one. Commerce concludes the petition promotes a minimum number of local government units and meets 3 AAC 110.982(7).

Chapter IV General Conclusion and Recommendation

Commerce concluded in Chapter III that all of the applicable standards for annexation of the territory are met. Based on the findings and conclusions set out in Part III, Commerce recommends that the LBC grant the city's annexation petition. If the LBC does so, DCCED will issue a certificate describing the annexation.

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PUBLIC NOTICE

NOTICE OF FILING
PETITION FOR ANNEXATION
BY THE CITY OF WASILLA TO
LOCAL BOUNDARY COMMISSION (LBC)

The City of Wasilla (Petitioner), a first class city in the Matanuska-Susitna borough, has filed an annexation by local action (unanimous consent) petition with the LBC. The petitioner's representative is Wasilla Mayor Verne Rupright. The territory proposed by the City for annexation consists of approximately 76.60 acres of land and is generally described as follows: Lots 3C and 3D of Olympic Subdivision, Plat No. 2006-86; Lots 3B-1 and 3B-2 of Olympic Subdivision, Plat No. 2007-83; Waiver Parcel No. 2 as described in the Refile Waiver 94-5W; and the portion of Jacobson Lake as shown on Olympic Subdivision plats. All the property owners in the territory proposed for annexation have requested to be annexed into the city.

Standards governing annexation to cities are established in Article X, Constitution of the State of Alaska; AS 29.06.040 – 29.06.060; 3 AAC 110.090 – 3 AAC 110.150; and 3 AAC 110.900 – 3 AAC 110.990. Procedures governing city annexation by the local action method are set out in AS 29.06.040 and 3 AAC 110.400 – 3 AAC 110.700 (specifically 3 AAC 110.590).

The legal description of the territory proposed for annexation is set out in the Petition. The petition and related documents, including a map of the territory proposed for annexation, are available for public review at the following locations, days, and times:

1. Wasilla City Hall, City Clerk's Office, 290 E. Herning Avenue, Wasilla, AK 99654 8 AM to 5 PM, Monday – Friday
2. Wasilla City Hall, Wasilla Planning Department, 290 E. Herning Avenue, Wasilla, AK 99654 8 AM to 5 PM, Monday – Friday
3. Wasilla Public Library, 391 N. Main Street, Wasilla, AK 99654 Monday, 10 AM – 6 PM, Tuesday & Thursday, 10:30 AM – 7 PM, Wed. & Friday, 10:30 AM – 6 PM, and Saturday 1 PM – 5 PM
4. The LBC website, http://www.commerce.alaska.gov/dca/lbc/2013_Wasilla_Unanimous_Consent_Annexation_Petition/, available anytime.

Questions concerning the proposed annexation may be directed to LBC staff (part of the Alaska Department of Commerce, Community and Economic Development) at the mailing address, email address, phone number, or fax number listed below. Any interested person may file with the LBC written comments regarding the annexation petition. The LBC relaxed 3 AAC 110.700(d) so the public is not required to send an original if an electronic comment has been filed. Additionally, a person with the capacity to sue may file with the LBC a responsive brief supporting or opposing the petition. Written comments and responsive briefs must be filed in accordance with 3 AAC 110.480 and 3 AAC 110.590(4). A person who files a responsive brief (as distinguished from written comments) gains certain procedural rights and duties during the petition proceedings. Responsive briefs and written comments must be received by the LBC by 4:30 pm, April 5, 2013 in the office below:

Local Boundary Commission staff, 550 West Seventh Avenue, Suite 1640, Anchorage, AK 99501-3510
Phone: 907-269-4587 • Fax: 907-269-4563 • Email: LBC@alaska.gov

The City of Wasilla will hold its city council meeting on April 22, 2013, in the Wasilla City Hall Council Chambers, 290 E. Herning Avenue, Wasilla, AK 99654. If the petitioner city council approves the petition by ordinance, and after the petitioner has an opportunity to answer any responsive briefs and comments, the LBC staff will write a report on the proposal. Procedures governing departmental reports are set out in 3 AAC 110.530 and 3 AAC 110.590. The LBC will then hold a public hearing on the proposal. The LBC will conduct the hearing by teleconference from Anchorage. The decisional meeting will immediately follow the public hearing.

**State of Alaska
Local Boundary Commission (LBC)**

**Notice of Public Hearing and Decisional Meeting Regarding the City of
Wasilla's Annexation Proposal, and of LBC Public Meeting**

The LBC will meet to convene a telephonic public meeting. One item will be a hearing under 3 AAC 110.560 regarding the proposal to annex territory to the City of Wasilla. The territory proposed for annexation is Lots 3C and 3D of Olympic Subdivision, Plat No. 2006-86; Lots 3B-1 and 3B-2 of Olympic Subdivision, Plat No. 2007-83; Waiver Parcel No. 2 as described in the Refile Waiver 94-5W; and the portion of Jacobson Lake as shown on Olympic Subdivision plats to the city. The legal description of the territory proposed for annexation is set out in the Petition.

**Thursday, September 12, 2013 – 10:00 a.m.
Via teleconference
Atwood Building, 550 West 7th Avenue, Suite 1640**

The LBC will convene a telephonic decisional meeting under 3 AAC 110.570 to act on the proposal, as noted below. The decisional meeting will start immediately after the hearing at the same location.

The hearing agenda and information concerning the hearing, decisional meeting, and other aspects of the annexation proposal may be obtained from:

LBC staff
550 West Seventh Avenue, Suite 1640
Anchorage, Alaska 99501-3510
Brent Williams: (907) 269-4559 or Brice Eningowuk: (907) 269-4587
Fax: (907) 269-4539
Email: LBC@alaska.gov

All petition materials are available for public review in the Wasilla city hall at 290 E. Herning Ave., Wasilla, AK 99654. The materials are also available on the LBC website:

http://www.commerce.alaska.gov/dca/lbc/2013_Wasilla_Unanimous_Consent_Annexation_Petition/

The public meeting will also consider: A resolution regarding the required local contribution for education; a request by a LBC member to be recused from participating in the Wasilla hearing; whether the LBC should relax 3 AAC 110.690(a) to permit it to conduct next year's Fairbanks detachment petition hearing entirely by teleconference, instead of having two members present; and whether the LBC should relax for its next meeting 3 AAC 110.690(b), which requires that telephonic attendees bear the cost of calling.

Persons interested in receiving future LBC notices, updates, and materials by email may subscribe to the LBC notice list server by visiting <http://list.state.ak.us/index.htm>, selecting "DCED-Local Boundary Commission," clicking "join or leave," and following the instructions.

To participate in the teleconference, please call 1-800-315-6338. Participation is at the caller's own expense. Individuals with disabilities who need auxiliary aids, services, or special modifications to participate must contact LBC staff by September 5, 2013.

PUBLIC NOTICE

State of Alaska - Local Boundary Commission (LBC)

Notice of Public Comment Period on the Report Concerning the City of Wasilla Annexation Petition And Supplemental Notice of Public Hearing and Decisional Meeting

The report concerning the petition by the City of Wasilla to annex 76.6 acres by unanimous consent of the property owners will be released Thursday, August 29, 2013. The territory proposed for annexation is Lots 3C and 3D of Olympic Subdivision, Plat No. 2006-86; Lots 3B-1 and 3B-2 of Olympic Subdivision, Plat No. 2007-83; Waiver Parcel No. 2 as described in the Refile Waiver 94-5W; and the portion of Jacobson Lake as shown on Olympic Subdivision plats to the city. The legal description of the territory proposed for annexation is set out in the Petition.

The report, petition, and other related documents are available for public review at the following locations, days, and times open to the public: Wasilla City Hall, City Clerk's Office: 8 AM – 5 PM, Monday – Friday; Wasilla City Hall, Planning Department: 8 AM – 5 PM, Monday – Friday; Wasilla Public Library: 10 AM – 6 PM, Monday 10:30 AM – 7 PM, Tuesday & Thursday 10:30 AM – 6 PM, Wednesday & Friday 1 PM – 5 PM, Saturday 1 PM – 5 PM; The LBC website:

http://www.commerce.alaska.gov/dca/lbc/2013_Wasilla_Unanimous_Consent_Annexation_Petition/, available anytime.

Any interested person may file with the LBC written comments regarding the annexation petition. See 3 AAC 110.480 and 3 AAC 110.590(4) for the procedural requirements to file written comments. The LBC has waived 3 AAC 110.700(d)'s requirement that commenters send a paper original of an electronically submitted comment. Commenters may submit comments either electronically or by hard copy. Written comments must be received by the LBC by 4:30 p.m., Monday, September 9, 2013 in the office below:

Local Boundary Commission staff
550 West Seventh Avenue, Suite 1640, Anchorage, AK 99501-3510
Fax: 907-269-4563 • Email: LBC@alaska.gov

Questions concerning the proposed annexation may be directed to LBC staff at the above mailing address, email address, or fax number, or by telephone at (907) 269-4559 or (907) 269-4587.

The LBC will convene a telephonic public meeting on Thursday, September 12 at 10:00 in the Atwood Building, 550 West 7th Avenue, Room 1620, Anchorage, AK. One item will be a hearing under 3 AAC 110.560 regarding the petition by the City of Wasilla to annex 76.6 acres by unanimous consent of the property owners. Participants may attend in Anchorage, or by teleconference. To participate in the teleconference at no cost, please call 1-800-315-6338, and enter 4587# for the code. This is a **SUPPLEMENTAL NOTICE** to the **Notice of Public Hearing and Decisional Meeting Regarding the City of Wasilla's Annexation Proposal, and of LBC Public Meeting** issued on August 2, 2013, because it gives notice that callers can call in for free by using the above code. Individuals with disabilities who need auxiliary aids, services, or special modifications to participate must contact LBC staff as soon as possible before 4:30 p.m. on September 5, 2013. The decisional meeting for this proposal will immediately follow the public hearing.

An agenda will be prepared. To view the proposed agenda, click on the Public Notices link on the LBC website at <http://commerce.alaska.gov/dnn/dkra/LocalBoundaryCommission/PublicNotices.aspx> and select **Notice of Public Comment Period on the Report Concerning the City of Wasilla Annexation Petition And Supplemental Notice of Public Hearing and Decisional Meeting**, or contact LBC staff and request that a copy be sent to you.

Persons interested in receiving future LBC notices, updates, and materials by email may subscribe to the LBC notice list server by visiting <http://list.state.ak.us/index.htm>, selecting "DCED-Local Boundary Commission," clicking "join or leave," and following the instructions.