

## **Municipal Government**

### **Annexation to a City**

#### **Introduction**

"Annexation to a city" means expanding the city's boundaries to include more territory. Annexation results in extending city services, city regulation, city voting privileges, and city taxing authority to the annexed territory. "Territory" is the term generally used to describe land in cities, while "area" generally refers to the land in boroughs.

Any proposed boundary change, including annexation, must be approved by the Local Boundary Commission ("LBC" or "commission"). State law requires certain standards be met, and certain procedures be followed in order for the commission to approve a proposed annexation. In other words, the mere filing of a petition does not ensure that the proposed annexation will occur. If the LBC approves the petition, in most cases, either the voters need to approve it, or the Legislature must not disapprove it for the annexation to take effect. (see "Petition Methods" below for more information).

Annexation requires a large commitment of time and resources. Before any decision is made to begin work on an annexation petition, a lot of thought should be given to the need for annexation as well as which method to use. This document provides basic information about city annexation; however, annexation is a complex matter that cannot be covered completely in this brief overview.

#### **Frequently Asked Questions**

##### **Who can provide information regarding annexation to cities?**

There is a Local Boundary Commission staff. The LBC staff is located within the Division of Community and Regional Affairs. That division is within the Department of Commerce, Community, and Economic Development. The staff is available to provide technical assistance, petition forms, and sample annexation materials to anyone interested in petitioning, and is available to provide materials and information to those interested in responding to a petition. The staff also provides general information to any other interested individuals or groups.

##### **If an individual or group does not want annexation, will the state provide information to them?**

Yes. LBC staff will provide information about how to submit comments, or how to submit a responsive brief. Submitting a responsive brief allows any interested party to be identified as a "respondent" in the annexation proceeding. Being identified as a respondent provides certain procedural rights at the

commission's public hearing. These rights include being able to present witnesses and to give opening and closing arguments. The staff can also explain the standards and procedures.

### **Why do cities seek to annex?**

Some cities seek to annex in order to include people or other property owners who want to be within the city. Other cities seek to annex so that facilities such as a harbor or power plant are within city boundaries. Still other cities seek to annex to gain more tax revenue.

### **Who can start an annexation petition?**

A petition for annexation may be started by:

- a city;
- a borough;
- a regional educational attendance area (REAA);
- at least 10 percent of the registered voters of a city, borough, or REAA;
- at least 10 percent of the registered voters in the territory proposed for annexation;
- the Legislature;
- the commissioner of the Department of Commerce, Community, and Economic Development;
- a person designated by the Local Boundary Commission.

### **What is the procedure for annexation?**

Most petitions come from either municipalities (boroughs and cities) or citizens. The petitioner drafts the petition, proposes the boundaries, and, if the petition is initiated by citizens, gathers signatures. If the petition is initiated by a municipality, then the proposed boundary change would first need to be discussed at a publicly-noticed city council meeting. People can attend such a meeting, or otherwise make their views known to the potential petitioner. It is possible that such input could result in a petition not being filed, or filed with different boundaries. When a petition is submitted, the LBC staff first performs a technical review which verifies that the petition includes everything necessary and required by statutes and regulations, rather than performing an analysis of the merits of the petition. If the petition does not include all of the necessary information, the staff sends it back to the petitioner to complete.

If a petition is accepted for filing, there is a publicly-noticed opportunity for the public to submit for written comment. A person or entity can also become a "respondent." A respondent has the opportunity to file a brief in response to the petition, and to present witnesses at the hearing. This gives a respondent the

opportunity for greater input before the commission.

Next, the staff analyzes the petition to see whether it meets the standards or not. In doing so, it considers the petition, briefs, and comments submitted. The staff then issues a public report with its findings. People can comment on that report, and say why they feel the report is correct or incorrect in its findings. The staff considers those comments, and then issues a second report with its findings. The findings could change from the first report based on the comments submitted.

After public notice, the commission will hold its hearing, and parties can present witnesses, and the public has an opportunity to speak. After the hearing, the commission will carefully consider all of the testimony, materials and comments submitted in determining whether the petition meets the standards. It will then approve, amend, or deny the petition.

A petition generally takes about a year before the LBC holds the hearing and issues a decision, mainly because of the extensive opportunity for public comment, and because of the two written reports by staff analyzing the petition. A “unanimous consent” petition (see below) can take much less time.

## **Petition Methods**

State law establishes procedures for several different types of annexation by legislative review (authorized by Alaska’s constitution) or by local action (authorized by statute):

### **Local Action:**

- **Annexation by Vote.** A territory can be annexed through an election. If the commission approves the petition, then the question is then placed on the ballot. A majority of voters in the territory proposed for annexation, and a majority of voters in the annexing city must approve the ballot measure before the proposed annexation can take effect.
- **Annexation of Adjoining City-Owned Property.** City-owned property that adjoins the city boundaries may be annexed. The city council must adopt an ordinance and then petition the Local Boundary Commission. The LBC must then approve the petition.
- **Annexation Upon Unanimous Consent of Owners and Voters.** A territory next to a city may be annexed if all of the property owners and all of the voters registered to vote in the territory proposed for annexation ask the city to annex them. The city council must first adopt an ordinance approving the proposed annexation, and then petition the Local Boundary Commission. The LBC must then approve the petition.

### **Legislative Review**

- **Annexation by Legislative Review.** A territory may be annexed without approval by the voters or

property owners under the legislative review process. This method is authorized by the state constitution. Such petitions require approval by the LBC as well as review by the Alaska State Legislature. Legislative review petitions follow the same process as local action petitions, and allow for the same public comment periods. The difference occurs if and when the LBC approves a legislative review petition. In that case, the LBC presents its approval to the Legislature during the first 10 days of a regular session of the Legislature. The Legislature then has the opportunity to act on the LBC's recommendation for approval. If the Legislature adopts a concurrent resolution to deny the recommendation within 45 days of the date that it was filed, then the recommendation is denied. If the Legislature takes no action, it has tacitly approved the proposal. In other words, this means that the annexation is approved unless the legislature specifically denies it within the 45-day period

### **How does a potential petitioner decide what method of annexation to use?**

The petitioners can choose the method used. If all owners of property and registered voters in a territory want annexation, then annexation by unanimous consent of owners and resident voters would likely be the annexation method to use. If the "unanimous consent" method does not apply, then the petitioners can choose either the local action by vote method, or the legislative review method. The commission may change the method used.

### **Is there a limit on the size of the territory that a city may annex?**

There is no specific size limit. Cities are community-based municipal governments rather than regionally based. The average Alaskan city is about 30 square miles. The Alaska Administrative Code (3 AAC 110.130) generally prohibits cities from annexing entire geographic regions, or large unpopulated areas. In most cases, the territory proposed to be annexed must be next to the city proposing the annexation.

### **What are the standards the LBC uses to reach a decision?**

Certain regulatory standards (3 AAC 110.090-3 AAC 110.130) apply to proposed annexations. The standards concern:

- the need for the territory to be annexed,
- whether the territory is compatible in character with the annexing city,
- if the economy within the proposed expanded boundaries of the city has the human and financial resources to provide essential municipal services efficiently,
- whether the population of the proposed expanded city is sufficiently large and stable,

- whether the boundaries are appropriate,
- and whether the annexation is in the best interests of the state.

The regulations can be found [here](#).