

Sample Motions for the November 6, 2014 LBC Meeting

1. Suspension of 3 AAC 110.590(b)

I, Commissioner _____, move to apply 3 AAC 110.590(b) for the Houston annexation petition. 3 AAC 110.590(b) states “[t]he commission may expand local action procedures for annexations under (a) of this section, so that those procedures include other requirements of 3 AAC 110.400 - 3 AAC 110.700, such as informational sessions, and public meetings and hearings, if the commission determines that the best interests of the state will be enhanced.”

The Houston annexation petition is a local action petition initiated by unanimous consent of the property owners and voters of the territory proposed for annexation. 3 AAC 110.590(a) allows for expedited procedures for such petitions.

Under 3 AAC 110.430 the chair has consolidated this petition with the Big Lake incorporation petition because both petitions affect some portion of the same territory. As the petitions are consolidated and need the same level of review, it enhances the best interests of the state if the commission expands the Houston annexation petition procedures so that both petitions follow identical procedures.

2. Suspension of 3 AAC 110.700(d)

I, Commissioner _____, move to suspend 3 AAC 110.700(d) retroactively and for future comments so that paper originals of comments are not required for the Houston annexation petition. 3 AAC 110.700(d) requires that “[t]he original of a document served by electronic mail or facsimile transmission must be submitted to the commission within 10 days after the submission of the filing by either electronic method.” Suspending 3 AAC 110.700(d) makes it easier for the public to comment. This in turn prevents a substantially uninformed decision. Instead, it serves relevant constitutional principles and the broad public interest under 3 AAC 110.660.*

3. Suspension of 3 AAC 110.690(b) for 2015

I, Commissioner _____, move to suspend 3 AAC 110.690(b) for the year 2015. 3 AAC 110.690(b) states “[i]f the commission conducts a hearing or meeting by teleconference, and teleconference access is arranged by the department, the petitioner, respondent, witness, or other person inconvenienced by teleconference attendance shall bear the cost of that person's teleconferencing, except as provided by law, or unless otherwise ordered by the commission.” Suspending 3 AAC 110.690(b) makes it easier for the public to participate in Local Boundary Commission public meetings and hearings. This increased public participation prevents substantially uninformed decisions. Instead, it serves relevant constitutional principles and the broad public interest under 3 AAC 110.660.*

*3 AAC 110.660 provides that “the commission, by a vote of at least three members, may relax or suspend a procedural regulation if the commission determines that a strict adherence to the regulation would work injustice, would result in a substantially uninformed decision, or would not serve relevant constitutional principles and the broad public interest.”