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| Introduced by: | Mayor, Martin |
| Date: | 01/22/02 |
| Action: | Failed |
| Vote: | 4 Yes, 5 No |
| Action: | Reconsideration given by Merkes for 2/5/02 |
| Action: | Motion to Reconsider Failed |
| Vote: | 4 Yes, 4 No, 1 Absent |
| Date: | 02/05/02 |

**KENAI PENINSULA BOROUGH
RESOLUTION 2002-012**

**A RESOLUTION REQUESTING THE STATE LEGISLATURE TO DISAPPROVE BY
RESOLUTION THE BOUNDARY CHANGE PROPOSED BY THE CITY OF HOMER
AND RECOMMENDED BY THE LOCAL BOUNDARY COMMISSION**

- WHEREAS,** on March 20, 2000, the city of Homer submitted a petition to the State of Alaska for annexation of 25.58 square miles with an estimated population in the area proposed for annexation of 2,687 people; and
- WHEREAS,** the boundary change was proposed without conducting preliminary public hearings, but followed the legislative review process authorized by Article 10, Section 12, of the Constitution of the State of Alaska and AS 29.06.040(b), which does not require voter approval; and
- WHEREAS,** the Alaska Department of Community and Economic Development, as required by law, examined the proposal and recommended in its final report of November 2001 that 3.9 square miles of the petitioned area, including a population of 898 people, be annexed to the City of Homer; and
- WHEREAS,** the Local Boundary Commission conducted a hearing as required by law on December 14 and 15, 2001 to hear public testimony and consider the Department of Community and Economic Development's recommendations; and
- WHEREAS,** following the hearing, the Local Boundary Commission recommended that the area proposed by the Department of Commerce and Economic Development be approved plus additional tracts for a total annexed area of 4.58 square miles; and
- WHEREAS,** by law, when a boundary change is proposed by the Local Boundary Commission to the legislature during the first ten days of any regular session, the change becomes effective 45 days after presentation or at the end of the session, whichever is earlier, unless disapproved by a resolution concurred in by the majority of each house; and
- WHEREAS,** this annexation petition generated more written public comments (168) and more formal responsive briefs (14) than any prior city annexation proposal submitted to the commission, and there were repeated requests that the matter be presented to the voters for approval; and

WHEREAS, twenty-two states currently use voter approval or the direct use of political power by citizens to determine whether an annexation will occur; and

WHEREAS, if this annexation is approved, it will reduce the boundaries of two borough service areas, one providing road services and the other providing fire and emergency medical services; and

WHEREAS, although the procedure followed by the City of Homer may be legally sufficient to the extent that voter approval is not required for local boundary commission actions, the enormous public opposition to the procedure followed for this annexation and the voter approval requirement in HB 13, codified in AS 29.35.450(c), for service area boundary changes should be considered by the legislature in its role as the elected representatives of the citizens of the State; and

WHEREAS, the City of Homer has a council of seven members including the mayor, with the regular terms of two council members and that of the mayor ending in October 2002, two more council members' terms ending in 2003, and the remaining two ending in 2004; and

WHEREAS, according to the 2000 census the population of the City of Homer was 3,946, and the population in the area proposed for annexation is 898, or 23% of the current city population and 18.5% of the total city population if annexation is approved; and

WHEREAS, for reapportionment purposes, a change in the represented population of over 10% generally requires the truncation of terms so that residents have a reasonably prompt opportunity to vote for their elected representatives; and

WHEREAS, the Local Boundary Commission did not recommend that Homer City Council terms be truncated; and

WHEREAS, without truncating city council terms, if the annexation is approved, 18.5% of the city residents will not have an opportunity to vote for all city council members until October 2004, because only three will be elected in 2002, two elected in 2003, and two in 2004; and

WHEREAS, the Kenai Peninsula Borough Assembly urges the state legislature to adopt a resolution in both houses opposing the proposed annexation for the reasons that

- (1) voter approval was not obtained, contrary to the voter approval requirement in HB 13 for service area boundary modifications and contrary to the expressed preference of many affected residents;
- (2) the Local Boundary Commission failed to recommend that the council members' terms be truncated;
- (3) the legislature provides the only remaining political opportunity to defeat this petition; and
- (4) any other reason the legislature deems applicable;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. For the above reasons, the legislature is urged to adopt a resolution in both the house and the senate opposing the proposed boundary change for the City of Homer within 45 days of the date the proposal is submitted in accordance with state law.

SECTION 2. Copies of this resolution shall be provided to Senator John Torgerson, Senator Jerry Ward, Representative Mike Chenault, Representative Ken Lancaster, and Representative Drew Scalzi, and all remaining members of the Alaska State Legislature.

SECTION 3. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF *, 2002.

Timothy Navarre, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk