



DIVISION OF COMMUNITY ADVOCACY

Frank H. Murkowski, Governor

October 6, 2004

Mr. Glen Thompson
Chair
Ketchikan Consolidation Commission
P.O. Box 1084
Ward Cove, Alaska 99928

Re: *Petition for Consolidation of the Ketchikan Gateway Borough and the City of Ketchikan to the Municipality of Ketchikan, a Home Rule Borough* (hereinafter "Petition")

Dear Mr. Thompson:

The Petition for consolidation of the City of Ketchikan and the Ketchikan Gateway Borough was received last Thursday, September 30, 2004. Submission of the Petition to the Local Boundary Commission (LBC) represents a significant milestone in this latest effort to combine the City of Ketchikan and the Ketchikan Gateway Borough. Prior attempts to unify or consolidate those local governments were undertaken in 1973, 1979, 1986, and 2000.

Since May 2003, when the citizens' initiative providing for the preparation and filing of the current Petition was conceived and drafted, LBC staff has followed developments regarding this matter. Approval of the initiative five months later on October 7, 2003, by a vote of 1,796 (54.5 percent) to 1498 (45.5 percent), signaled areawide voter support for the concept of consolidation.

The election of Brad Finney, Jerry Kiffer, John Harrington, Mike Painter, Debby Otte, Dennis McCarty, and you to the Ketchikan Consolidation Commission on January 13, 2004, marked the real beginning of the effort to craft the current Petition. While the prior consolidation petition was adopted early on as a working draft, the Commission clearly made the current Petition its own over the course of 29 meetings from January 21 through September 17, 2004.

This agency commends you and the other six Commission members for your diligence. It is impressive that the Commission members were able to achieve unanimous agreement with regard to the Petition as reflected in Resolution No. 7, adopted by the Commission on September 17, 2004.

This agency also recognizes the cooperation and contributions in support of the Commission's work by officials of the Ketchikan Gateway Borough and City of Ketchikan. Of course, such cooperation and contributions do not mean that either government has endorsed the Petition.

The Department has completed the technical review of the Petition in the manner and according to the deadline set out in 3 AAC 110.440. I am pleased to advise you that the Petition is determined to be substantially complete and in proper form. Accordingly, the Petition is hereby accepted for filing.¹

Accepting the Petition for filing marks the beginning of the formal opportunity for review and comment to the LBC by interested individuals and organizations regarding the Petition. This agency is committed to a thorough, independent, impartial, meaningful, and valuable analysis of the Petition. Such will require careful consideration of the Petition, timely responsive briefs and comments regarding the Petition, the Petitioner's reply brief, and comments on this agency's preliminary report on the matter.

We look forward to hearing formally from the City of Ketchikan, Ketchikan Gateway Borough, and others regarding the proposal. Once the entire written record has been evaluated, the Department will conduct its formal analysis of the Petition and offer its recommendations.

To move forward, there are a number of formalities required by law. Your immediate attention is required with respect to providing notice to the public that the Petition has been filed. Additionally, copies of the Petition must be served on certain entities. Please read and follow the instructions in this letter carefully. A summary listing of the requirements is enclosed to assist you in that regard.

Public Notice of the Filing of the Petition and Opportunity for Comment.

In accordance with 3 AAC 110.640(a), the Chairman of the LBC has set 4:30 p.m., Monday, December 27, 2004, as the deadline for the receipt in this office of responsive briefs and written comments concerning the Petition. Under 3 AAC 110.450(b), the Department has prepared the public notice of the filing of the Petition.

Such notice must be given by publication, posting, and mailing in accordance with 3 AAC 110.450. The following specific requirements must be met.

¹ In the course of this agency's technical review, ministerial errors were noted with regard to Exhibit E-1 and E-2(a). Those ministerial errors were corrected on October 6, 2004.

- ✓ **Publication.** The provisions of 3 AAC 110.450(a)(1) require you to publish public notice of the filing of the Petition in a display-ad format once each week for three consecutive weeks in one or more newspapers of general circulation designated by the Department.

The Petition lists the *Ketchikan Daily News* and *The Local Paper* as the newspapers serving the proposed consolidated borough. Because the *Ketchikan Daily News* is characterized as “the local newspaper of general circulation in the area” (Petition, Ex. H, p. 7), the Department hereby designates it as the newspaper for publication of the notice of the filing of the Petition. Publication of the notice in *The Local Paper* and online in *Sitnews* at <http://www.sitnews.us/> is left to your discretion.

To facilitate the required publication, we have arranged on your behalf for publication of the notice in the *Ketchikan Daily News* on October 9, 13, and 23, 2004. However, since it is the Petitioner’s responsibility for publication of the notice, billings for those publications will be sent to you for payment.

Please monitor the *Ketchikan Daily News* to ensure that publication of the notice occurs as scheduled. A request for publication in the *Ketchikan Daily News* is enclosed for your information. If publication does not occur as scheduled, please contact Dan Bockhorst, LBC staff, at 1-907-269-4559.

In the event that you elect to publish the notice in *The Local Paper*, the camera-ready copy of the notice for that newspaper is enclosed.

The Department has arranged to publish the notice on the State’s Internet Web site, *Online Public Notice* <http://notes3.state.ak.us/pn/pubnotic.nsf>. The Department will also publish the notice on the LBC’s Internet Web site <http://www.commerce.state.ak.us/dca/lbc/ketchikan3.htm>.

- ✓ **Posting of Notice.** As required by 3 AAC 110.450(a)(2), notice of the filing of the Petition must be posted in *at least* the following four prominent locations readily accessible to the public within the proposed consolidated borough:

1. Office of the Ketchikan City Clerk;
2. Ketchikan City Hall, 2nd Floor Bulletin Board;
3. Office of the Ketchikan Borough Clerk; and
4. Ketchikan Public Library.

Additionally, as outlined below, you are also required to include the notice with each of the complete sets of Petition documents available for public review at the Office of the Borough Clerk, Office of the Ketchikan City Clerk, and the Ketchikan Public Library. Ten copies of the notice of filing (8.5-inch by 11-inch) are enclosed for your use.

In order to coordinate the publication and posting of the notice, the notice must be posted in the locations noted above and deposited with the Petition documents available for public review at the three locations noted below no later than October 9, 2004.

Under 3 AAC 110.450(a)(3), you must ensure that the notice remains posted at all locations until the close of the comment period on December 27, 2004. The Department suggests that the notices be inspected at least once each week to ensure that they remain posted until the deadline for filing responsive briefs and comments.

✓ ***Notice to Specific Individuals and Organizations.***

Under 3 AAC 110.450(a)(4), you must hand deliver or mail, postage prepaid, the notice of the filing of the Petition, correctly addressed to all municipalities having jurisdictional boundaries extending within twenty miles of the boundaries of the proposed consolidated borough. The Petition identifies the following three such municipalities:

Ketchikan Gateway Borough
Borough Manager
344 Front Street
Ketchikan, Alaska 99901

City of Ketchikan
City Manager
334 Front Street
Ketchikan, Alaska 99901

City of Saxman
Mayor
Route 2 Box 1-Saxman
Ketchikan, Alaska 99901

The notice should be mailed to those local governments no later than October 9, 2004.

In conjunction with arranging for publication of the public notice, the Department has provided notice of the filing of the Petition to the Governor, Senator Bert Stedman, Representative Bill Williams, members of the LBC, heads of principal State agencies, and other appropriate State officials. A list of all State officials to whom the Department has provided notice is enclosed.

Serving notice on the other individuals and entities listed in the Petition is left to your discretion.

✓ ***Request for Public Service Announcement.*** Under 3 AAC 110.450(a)(5), you are required to submit a request for a public service announcement of the filing of the

Petition to *at least one* radio station or television station serving the proposed consolidated borough. The law further specifies that you must request that announcement be made for fourteen days following receipt of the request.

The Petition lists four radio stations as serving the proposed consolidated borough. Please mail the request for the public service announcement to KRBD-105.9 FM, the local public broadcasting station by October 9, 2004. At your discretion, request may also be submitted to the following private stations: KFMJ-99.9 FM, KGTW-106.7 FM and KTKN-930 AM.

The Department has prepared the enclosed public service announcement of the filing of the Petition for your use.

Service of Petition.

In accordance with 3 AAC 110.460(a), a complete copy of the Petition must be served on the each of the following local governments:

- Ketchikan Gateway Borough,
- City of Ketchikan, and
- City of Saxman.

This must be done by November 2, 2004. The copy and exhibits used for service must conform in size and color to the original Petition.

Opportunity for Public Review of Petition Materials.

In accordance with 3 AAC 110.460(b), you must make a **full set** of Petition documents available for public review beginning October 9, 2004, at each of the following locations:

Office of the Borough Clerk
Ketchikan Gateway Borough
344 Front Street – Street Level

City of Ketchikan
334 Front Street - Fourth Floor

Ketchikan Public Library
629 Dock Street

In addition to the Petition itself, the “Petition documents” includes the following:

- State laws establishing standards and procedures applicable to this consolidation proposal (enclosed),
- notice of the filing of the Petition (enclosed),
- any timely responsive briefs,

- any timely written comments concerning the Petition,
- any reply brief from the Petitioner,
- this agency's preliminary report to the LBC concerning the Petition,
- any public comments on the preliminary report,
- notice of the LBC hearing;
- this agency's final report,
- the LBC's decisional statement, and
- any materials regarding any request for reconsideration.

Except for the timely responsive briefs, Petitioner's reply brief, and materials regarding requests for reconsideration, this agency will provide you with four copies of all of the above materials (one for each of the three sets of Petition documents available for public review and one for you). Respondents are required to provide you with two copies of each responsive brief. A person or entity seeking reconsideration is required to provide you with one copy of the request for reconsideration. You will have to make copies of those materials along with the Petitioner's reply brief for the Petition documents available at the Office of the Borough Clerk, Office of the Ketchikan City Clerk, and Ketchikan Public Library.

Within 24 hours of receipt, any new materials should be added to the Petition documents available for public review at the three sites. The Petition documents must be made available at the three locations during the times listed in the Petition. The library's days and hours of operation satisfy the requirement of 3 AAC 110.460 that you must "accommodate specific requests for public review of the petition documents at reasonable times in the evening and on weekend days."

The Petition documents must remain available for public review through the last date on which a court could order the LBC to reconsider some aspect of its decision regarding the proposal.

Additional Copies of the Petition.

Given the determination that the Petition is substantially complete and in proper form, five additional complete copies of the Petition must now be provided to this office as required by 3 AAC 110.470.

Proof of Notice and Service.

The provisions of 3 AAC 110.470 require that you provide to this office by November 26, 2004, a sworn affidavit that the steps outlined herein have been completed. A form is enclosed for your use in that regard.

Mr. Glen Thompson
October 6, 2004
Page 7 of 6

The affidavit should be submitted to Dan Bockhorst at the address noted on the letterhead. If you have questions or desire further information concerning any of the matters outlined in this letter, please call Mr. Bockhorst at 1-907-269-4559 or Jeanne McPherran at 1-907-269-4594.

Sincerely,

DIVISION OF COMMUNITY ADVOCACY

Michael Black
Director

Enclosures:

1. summary listing of requirements for notice, service, and deposit of the Petition;
2. request for publication of the notice of filing of the Petition in the *Ketchikan Daily News*;
3. camera-ready copy of the notice for publication at Petitioner's discretion in *The Local Paper*;
4. 10 copies of *Public Notice of Filing of Petition to Consolidate the City of Ketchikan and the Ketchikan Gateway Borough* (8.5" X 11" format for posting and deposit with Petition documents available for public review);
5. list of State officials to whom notice of the filing of the Petition was provided by the Department
6. public service announcement of the filing of the Petition;
7. four sets of laws establishing standards governing the proposed consolidation (Art. X, secs. 1, 3, 5, and 12, Alaska Constitution, AS 29.06.130, AS 29.05.031, AS 29.05.100; 3 AAC 110.240 - 3 AAC 110.250, 3 AAC 110.045 - 3 AAC 110.065, and 3 AAC 110.900 - 3 AAC 110.990);
8. four sets of laws establishing procedures applicable to the consolidation proposal (AS 29.06.090 - 29.06.170; AS 44.33.810 - 44.33.828, 3 AAC 110.400 - 3 AAC 110.990);
9. form for affidavit of notice, service, and deposit of the Petition.

cc: The Honorable Darroll Hargraves, Chairman, Local Boundary Commission
The Honorable Michael Salazar, Mayor, Ketchikan Gateway Borough
The Honorable Bob Weinstein, Mayor, City of Ketchikan
Karl Amylon, City Manager, City of Ketchikan
Roy Eckert, Borough Manager, Ketchikan Gateway Borough
Dan Bockhorst, Local Boundary Commission Staff Supervisor