



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

DIVISION OF COMMUNITY AND REGIONAL
AFFAIRS

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October 4, 2016

Andy Varner
City Administrator, City of Sand Point
3380 C Street, Suite 205
Anchorage, AK 99503

Re: Petition to Annex 245 Square Miles of Popof Island and its Surrounding Waters to the City of Sand Point (hereafter "petition")

Dear Mr. Varner:

The petition referenced above was received by the Department of Commerce, Community, and Economic Development (hereafter "Commerce" or "department") on April 15, 2016. The department has completed its technical review under 3 AAC 110.440. Commerce finds that the petition is substantially complete and in proper form and accordingly accepts the petition for filing.¹

The proposed annexation outlined in the petition is subject to approval by the Local Boundary Commission (hereafter "LBC" or "commission") pursuant to AS 29.06.040 and AS 44.33.812. If the LBC approves or amends the petition, it will submit its decision to the Legislature during the first 10 days of any regular session. The decision takes effect 45 days after submission unless the Legislature disapproves it by then.

As advisory staff to the LBC, Commerce is required by law to "investigate and analyze" the petition. We are committed to a thorough, independent, impartial, meaningful, and valuable analysis of the petition. Such will require careful consideration of the petition, any timely responsive briefs and comments, the petitioner's reply brief, and comments on Commerce's preliminary report.

In accordance with 3 AAC 110.450 – 3 AAC 110.470, the petitioner is required to provide public notice of the filing of the petition by publication, posting, and service, and to submit an affidavit. The first publishing or posting of that notice marks the beginning of the formal opportunity for public review and comment on the petition.

Please read and follow the instructions in this letter carefully. It is the petitioner's responsibility to be aware of and comply with all applicable regulations and any other requirements. For your

¹ Typically, many petitions contain inconsequential errors and omissions that are not required to be addressed in order for those petitions to be accepted for filing. We consider all known errors and omissions in the city's petition to be insignificant and inadvertent. In our view, they are not an impediment to a proper review of the proposal by interested persons.

convenience, we have enclosed a checklist summarizing the requirements. We will be glad to assist you with any questions that you might have. The following requirements must be met:

Publication of Notice of Filing.

In accordance with 3 AAC 110.450(a)(1), you are required to publish public notice of the petition in a display ad format of no less than six inches long by two columns wide at least once each week for three consecutive weeks in one or more newspapers of general circulation designated by Commerce. The department has specified the notice's wording per 3 AAC 110.450(b). Commerce designates the *Alaska Dispatch News* ("ADN") as the newspaper for publication of the notice of the filing of the petition. To facilitate the required publication, we have arranged on your behalf for the notice to be printed in the *ADN* as follows:

Newspaper	Publication Dates
ADN	Wednesday, October 5, 2016
	Wednesday, October 12, 2016
	Wednesday, October 19, 2016

Commerce also requires the petitioner to publish the notice in the regional borough newsletter *In the Loop* one time as another means designed to reach the public. To facilitate the required publication, we will arrange on your behalf for the notice to be published once in *In the Loop* on Friday, October 28, 2016. Listed below are other ways designed to provide notice to the public.

Posting of Notice.

In accordance with 3 AAC 110.450(a)(2), the petitioner must post notice of the filing of the petition in at least three prominent locations readily accessible to the public and within or near the boundaries proposed for change, and in other locations designated by Commerce. The notice is enclosed. The petitioner must post the notice within 45 days (by November 18, 2016) of receiving this acceptance letter. The letter will be sent (by U.S. mail and by email) to and received by the petitioner on October 4, 2016. We appreciate your efforts in posting the notice as soon as possible.

Under 3 AAC 110.450(a)(3), please ensure that the notice remains posted at the required locations until December 7, 2016, the deadline to file responsive briefs. Commerce will arrange for the notice to be published on the state's public notice website (<https://aws.state.ak.us/OnlinePublicNotices/default.aspx>) and on the LBC website.

Commerce designates the following eight locations:

1. Sand Point City Hall, 249 Main St., Sand Point AK 99661
2. Sand Point Library, 269 Red Cove Road, Sand Point AK 99661
3. Sand Point Post Office, 9998 Main St., Sand Point, AK 99661
4. Sand Point Boat Harbor House, 1 Main St., Sand Point AK 99661
5. AC Store, 100 Main St., Sand Point, AK 99661
6. City of Sand Point website, <http://www.sandpointak.com>
7. Aleutians East Borough Sand Point office, 100 Mossberry Lane, Sand Point, AK 99611
8. Aleutians East Borough Anchorage office, 3380 C St., Suite 205, Anchorage, AK 99503

Delivering the Notice to Specific Individuals and Organizations.

Under 3 AAC 110.450(a)(4), you must hand deliver or mail, postage prepaid, the public notice of the filing of the petition, correctly addressed to all municipalities within 20 miles of the boundaries proposed for change, and to any other persons designated by the department. The petitioner must deliver the notice within 45 days (by November 18, 2016) of receiving this acceptance letter, although it is best to deliver the notice to the required recipients at your earliest opportunity. The petition identifies the following entities:

- Shumagin Corporation, P.O. Box 189 Sand Point, AK 99661
- Unga Corporation, P.O. Box 130, Sand Point, AK 99661
- Aleut Corporation, 4000 Old Seward Highway, #300, Anchorage AK 99503

Additionally, Commerce designates the Aleutians East Borough (hereafter “AEB”) offices in Sand Point and Anchorage as entities to which the petitioner must send the notice. Commerce will provide the notice to appropriate state officials, including the LBC members. It will also send the notice to those individuals and organizations that have subscribed to the LBC email list server.

Request for Public Service Announcement.

3 AAC 110.450(a)(5) requires the petitioner to submit a request for a public service announcement (PSA) of the filing of the petition to at least one radio or television station serving within the boundaries of the proposed change, and request that it be announced for the following 14 days. The petition lists KSDP Public Radio as the radio station that meets that requirement. 3 AAC 110.450(c) provides that the department shall specify the text of the PSA. A PSA is enclosed that meets those requirements. The petitioner must submit the PSA within 45 days (by November 18, 2016) of receiving this acceptance letter, although it is best to so at your earliest opportunity.

Service of Petition.

In accordance with 3 AAC 110.460(a), a complete copy of the petition must be hand-delivered or mailed postage prepaid on every municipality within 20 miles of the boundaries proposed for change, and to other interested persons designated by the department. The petition indicates that there are no municipalities with 20 miles, but because Sand Point is within the AEB, Commerce directs the petitioner to deliver a petition to the AEB offices in Sand Point and Anchorage. The petitioner must deliver the petition within 25 days (by October 31, 2016) of receiving this acceptance letter, although it is best to do so at your earliest opportunity. The copy and exhibits used for service must conform to the original petition in size, color, and other distinguishing characteristics.

Public Review of Petition Documents.

Per 3 AAC 110.460(b), starting on the first date of publication (October 5, 2016) through the last date on which the petition may be subject to action by the commission (including through the last date of LBC proceedings ordered by a court), a full set of petition documents must remain available for public review at a central and convenient location during normal working hours. Materials yet to be filed in this proceeding (e.g., responsive briefs, comments, reply brief, Commerce reports, and public notices) are considered “petition documents.” The petitioner must add them in a timely manner to the materials available for public review at the sites listed below. Commerce suggests that the petitioner also include a copy of the laws establishing standards for city annexation. The petitioner shall accommodate specific requests for public review of the petition documents at

reasonable times during evenings and weekend days. Please place a full set of petition documents in these four locations indicated in the petition:

Location and address	Days and times open to the public
Sand Point City Hall 249 Main St., Sand Point, AK 99661	8 a.m.-5p.m., M-F
Sand Point Library 269 Red Cove Road, Sand Point, AK 99661	7 p.m. – 9 p.m., M –Sa.
AEB Sand Point office, 100 Mossberry Lane, Sand Point, AK 99611	8 a.m.-5 p.m., M-F
City of Sand Point website	24/7

Additional Copies of the Petition.

Within 50 days of receiving this letter (by November 23, 2016), per 3 AAC 110.470 the petitioner must deliver to the department five additional complete sets of the petition documents. Copies of the petition documents, including maps and other exhibits, must conform to the original in color, size, and other distinguishing characteristics.

You are also responsible for submitting to this office the affidavit required by 3 AAC 110.470 within 50 days of receiving this October 4, 2016 letter—i.e., by November 23, 2016. The affidavit must state that the notice, posting, service, deposit, and publishing requirements of 3 AAC 110.450 - 3 AAC 110.460 have been satisfied. An affidavit form is enclosed for your use.

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

In accordance with 3 AAC 110.640(a), the LBC chair has set 4:30 p.m., December 7, 2016, as the deadline for Commerce to receive responsive briefs and written comments concerning the petition.

If you have questions or desire further information concerning any of the matters outlined in this letter, please call me at 269-4559. We look forward to working with you throughout this annexation petition process.

Sincerely,

R. Brent Williams

Brent Williams
Local Government Specialist IV

Enclosures:

1. Public Notice: Notice of Filing of Legislative Review Annexation Petition by the City of Sand Point
2. Public Service Announcement: Sand Point Annexation Petition
3. Sand Point's Affidavit of Publishing, Notice, Posting, Service, and Deposit Requirements
4. Petitioner's Checklist for Notice, Service, and Review of Sand Point Annexation Petition
5. Sand Point Petition Schedule
6. Statutes and Regulations Concerning Annexation to Cities