

Bond Case Briefs

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MUNICIPAL CORPORATIONS - ALASKA

City & Borough of Juneau v. State

Supreme Court of Alaska - December 4, 2015 - P.3d - 2015 WL 7873718

Neighboring borough petitioned for review of decision of local Boundary Commission granting city's petition to dissolve itself and incorporate a new borough, over objection of neighboring borough, which had sought to annex some of area included in new borough. The Superior Court affirmed. Neighboring borough appealed.

The Supreme Court of Alaska held that:

- Commission was not required to conduct head-to-head analysis as between dissolving city and neighboring borough to determine whether city had superior common interests to contested area, in order to satisfy its constitutional obligation to make borough decisions from a statewide perspective prior to granting city's petition, and
- Trial court's decision to award less than 30% portion of city's requested attorney fees was not manifestly unreasonable.

Local Boundary Commission was not required to conduct head-to-head analysis as between dissolving city and neighboring borough to determine whether city seeking to dissolve itself and incorporate new borough had superior common interests to contested area sought to be incorporated by new borough, in order to satisfy its constitutional obligation to make borough decisions from a statewide perspective prior to granting city's petition. Rather, Commission was only required to determine whether proposed borough embraced an area with common interests to maximum degree possible, which presupposed thorough consideration of alternative boundaries and a decision as to what boundaries would be optimal.

Superior Court's decision to award city only \$1,500 in prevailing party attorney fees, on administrative appeal from decision granting its petition to dissolve itself and incorporate new borough, over neighboring borough's objection, as opposed to \$9,594, or 30% of fees requested, was not manifestly unreasonable. Despite arguably lengthy administrative record, complexity of arguments, and importance of issues on appeal, court had discretion whether to award such fees at all.