



State of Alaska Local Boundary Commission

550 West Seventh Avenue, Suite 1640, Anchorage, Alaska 99501, 907-269-4501, Fax 907-269-4563

Resolution No. 14-01

A RESOLUTION BY THE LOCAL BOUNDARY COMMISSION TO ORDER THE CITY OF DILLINGHAM TO REFILE A PETITION TO ANNEX 396 SQUARE MILES OF THE NUSHAGAK BAY TO THE CITY OF DILLINGHAM.

WHEREAS, the Local Boundary Commission (hereafter "LBC") is established under art. X, sec. 12 and may consider any proposed local government boundary change;

WHEREAS, the City of Dillingham (hereafter "City") submitted a petition by local action to annex 396 square miles of the Nushagak Bay to the City of Dillingham;

WHEREAS, the LBC approved the petition, and an election was held regarding the annexation;

WHEREAS, the City conducted the election and the annexation was approved by the voters of the City;

WHEREAS, the Superior Court of the State of Alaska, in its March 27, 2014 Order on Appeal vacated the annexation, and remanded the petition to the Local Boundary Commission to process the petition by legislative review, and ordered the commission to direct the City of Dillingham to refile the petition in accordance with the requirements for legislative review;

WHEREAS, on May 16, 2014, the court denied both the City of Dillingham's and the LBC's motions for reconsideration, and affirmed that the LBC could not submit the current petition to the legislature until the City holds a pre-filing hearing under 3 AAC 110.425;

WHEREAS, assuming the City desires to proceed with its petition to annex territory, and based upon the court's March 27, 2014 Order, the LBC finds that the City must start the petition process anew, and follow the normal steps for a legislative review petition provided for in statute and regulation, including the technical review procedures, opportunity for written public comments, LBC staff reports, and a LBC public hearing;

THEREFORE, LET IT BE RESOLVED, that the LBC directs the City of Dillingham to refile the petition to annex territory to the City of Dillingham in accordance with the requirements for legislative review if the City desires to proceed with its petition.

PASSED AND APPROVED ON THIS 11TH DAY OF JUNE, 2014 BY THE LOCAL BOUNDARY COMMISSION

Lynn Chrystal, LBC Chair

ATTEST:

Brent Williams, LBC staff