

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF ALASKA

THE LOCAL BOUNDARY COMMISSION

BEFORE COMMISSIONERS:

Lynn Chrystal - Chair
John Harrington
Robert Harcharak
Darroll Hargraves
Lavell Wilson

DECISIONAL MEETING

**REGARDING ALLAKAKET DETACHMENT AND
CONCURRENT ANNEXATION PETITION**

Allakaket, Alaska

October 14th, 2014

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

TABLE OF CONTENTS

ADMINISTRATIVE

- 1. Call to order.....02
- 2. Roll call and determination of quorum.....02
- 3. Acknowledge of guests and staff present.....03
- 4. Local Boundary Commission chair remarks.....03
- 5. Approval of agenda.....04

NEW BUSINESS

- 1. Comments by members of the public concerning matters that are neither on the agenda nor pending before the commissioner.....04
- 2. Decision regarding the Allakaket detachment and concurrent annexation petition.....04
- 3. Comments from commissioners and LBC staff....40
- 4. Adjourn.....44

1 PROCEEDINGS

2 (On record - 4:17 p.m.)

3 CHAIRMAN CHRYSTAL: Okay. We'll call the meeting to
4 order. We're now moving into the decision statement. We
5 adjourned from the previous thing, we're going to -- basically
6 kind of starting a new meeting right now. So could we have a
7 call to order, please, from the staff?

8 MR. WILLIAMS: Yes, Chair. Commissioner Harrington?

9 COMMISSIONER HARRINGTON: Here.

10 MR. WILLIAMS: Commissioner Wilson?

11 COMMISSIONER WILSON: Here.

12 MR. WILLIAMS: Commissioner Hargraves?

13 COMMISSIONER HARGRAVES: Here.

14 MR. WILLIAMS: Commissioner Harcharak?

15 COMMISSIONER HARCHARAK: Here.

16 MR. WILLIAMS: Chair Chrystal?

17 CHAIRMAN CHRYSTAL: Here. And we do have a quorum.

18 MR. WILLIAMS: The time is 4:17.

19 CHAIRMAN CHRYSTAL: 4:17. Okay. Sounds good. And
20 acknowledging staff present at this Allakaket site?

21 MR. WILLIAMS: Brent Williams, LBC staff.

22 MR. ENINGUWOK: Brice Eninguwok, LBC staff.

23 CHAIRMAN CHRYSTAL: Okay. Now is there any other
24 conference site out there besides Barrow? Okay. Don't hear
25 any. Okay. At this time we're going to move into the

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 decisional statement part. We'll be going through several
2 motions to get to the final result. We hope it will be the one
3 you want.

4 MR. WILLIAMS: Approve the agenda, sir?

5 CHAIRMAN CHRYSTAL: Oh, I'm sorry. Well, I haven't got
6 to that yet. I'm still above that where it says commission --
7 okay. Do we have a motion to approve the agenda, please?

8 COMMISSIONER HARRINGTON: So moved.

9 COMMISSIONER WILSON: Second.

10 CHAIRMAN CHRYSTAL: Commissioner Harrington moved.
11 Commissioner Wilson seconded the motion to approve the agenda.
12 Could we have a roll call vote on that, please?

13 MR. WILLIAMS: Yes, Chair. Commissioner Harrington?

14 COMMISSIONER HARRINGTON: Yes.

15 MR. WILLIAMS: Commissioner Wilson?

16 COMMISSIONER WILSON: Yes.

17 MR. WILLIAMS: Commissioner Hargraves?

18 COMMISSIONER HARGRAVES: Yes.

19 MR. WILLIAMS: Commissioner Harcharak?

20 MR. ENINGUWOK: Commissioner Harcharak, the question
21 has been raised do you move to approve the agenda?

22 COMMISSIONER HARCHARAK: Yes.

23 MR. WILLIAMS: Chair Chrystal?

24 CHAIRMAN CHRYSTAL: Yes. The agenda has been approved.
25 Moving on to new business. Once again, any comments from

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 somebody here concerning matters that are not on the agenda
2 tonight? Okay. Hearing none. Okay. We're now going to move
3 into the decision regarding the Allakaket detachment and
4 concurrent annexation petition. We have two motions that have
5 been posted for us we recommending that they both be passed. I
6 would entertain a motion on Option Number 1.

7 COMMISSIONER HARGRAVES: Mr. Chairman?

8 CHAIRMAN CHRYSTAL: Yes, sir.

9 COMMISSIONER HARGRAVES: I'm Commissioner Hargraves.
10 And I move to amend the petition for detachment and the
11 concurrent annexation to the City of Allakaket for a local
12 option petition. Sir?

13 CHAIRMAN CHRYSTAL: From. Not for, from.

14 COMMISSIONER HARGRAVES: From a local option petition
15 through a legislative review process. That the petition in its
16 present form does not meet the detachment standards for a local
17 action petition because there are no voters living in the
18 territory proposed for detachment who may vote on the proposed
19 detachment. That's my amendment.

20 CHAIRMAN CHRYSTAL: Anybody wish to second the
21 amendment made by Commissioner Hargraves?

22 COMMISSIONER HARRINGTON: Second.

23 CHAIRMAN CHRYSTAL: Okay. We have a motion from
24 Commissioner Harrington. Any discussion?

25 COMMISSIONER HARRINGTON: If this is the full motion or

1 is this a motion with an additional added, I don't do it.

2 CHAIRMAN CHRYSTAL: No, I don't think we need an
3 additional item added to it. I'm not sure what you mean.

4 COMMISSIONER HARGRAVES: That could be a second
5 amendment on that.....

6 COMMISSIONER HARRINGTON: But you've had something to
7 this and.....

8 CHAIRMAN CHRYSTAL: Okay. Any discussion on this? So
9 basically this moves it from a local option to a legislative
10 review, is that correct.....

11 COMMISSIONER HARGRAVES: Yeah.

12 CHAIRMAN CHRYSTAL:in so many terms? Okay.

13 MR. WILLIAMS: Yes, Chair Chrystal, that's correct.

14 CHAIRMAN CHRYSTAL: Okay. If we have no further
15 discussion could we have a vote on the motion? Okay. Go
16 ahead.

17 COMMISSIONER HARRINGTON: Please. I got a little
18 fouled up. We have the original composed motion and we added
19 some additional language to that over and above what the
20 original motion was, is that correct?

21 CHAIRMAN CHRYSTAL: Well, we just read the proposed
22 motion right here at the top. That was.....

23 COMMISSIONER HARGRAVES: There should have been a
24 motion to.....

25 CHAIRMAN CHRYSTAL: Amend. That's what you did.

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 COMMISSIONER HARRINGTON: And then you have it in the
2 motion that I.....

3 COMMISSIONER HARGRAVES: You said a motion to accept
4 the petition.

5 COMMISSIONER HARRINGTON: Well, so now we have a
6 different language.

7 CHAIRMAN CHRYSTAL: We've obviously got some kind of a
8 problem here. What is it?

9 COMMISSIONER HARGRAVES: You can't amend something that
10 doesn't exist.

11 COMMISSIONER HARRINGTON: That's why -- the problem is
12 we had two different motions on the table, one was shorter than
13 the other. That's what's my concern was. I was a little
14 confused as to what was happening here.

15 CHAIRMAN CHRYSTAL: I guess I'm confused myself.

16 MR. ENINGWOK: This is Brice. So the motion
17 introduced right now is that there is a half a motion from
18 the.....

19 COMMISSIONER HARGRAVES: Yeah.

20 MR. ENINGWOK: It's a motion to amend the petition
21 before -- because you kind of accepted the petition on its
22 face. We can place a motion to accept the petition until these
23 motions are placed. So the first motion is to -- for this
24 commission to change the petition from a local action to a
25 legislative review petition, if that makes -- for clarity. So

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 that's the motion on the floor right now.

2 CHAIRMAN CRYSTAL: I do have a question similar to
3 Commissioner Hargraves. How can we amend the petition when we
4 haven't even.....

5 MR. ENINGUWOK: We'll show that as accepted for.....

6 CHAIRMAN CRYSTAL: Accepted, so therefore we can amend
7 it?

8 MR. ENINGUWOK: It's been accepted for filing.

9 CHAIRMAN CRYSTAL: Okay.

10 MR. ENINGUWOK: And it's up to this -- only the
11 commission can change the petition process from a local action
12 to a legislative review. You cannot accept the petition as it
13 is, you cannot place a motion to accept the petition yet.
14 These motions.....

15 COMMISSIONER HARGRAVES: So this motion is amending the
16 petition?

17 MR. ENINGUWOK: Correct.

18 CHAIRMAN CRYSTAL: Which has already been filed.
19 Or.....

20 MR. ENINGUWOK: It's been accepted for filing as a
21 local action.

22 CHAIRMAN CRYSTAL: Okay.

23 MR. ENINGUWOK: But in order to process the petition --
24 you still want to process it as a local action, you have to do
25 option number 2.

1 CHAIRMAN CRYSTAL: No, I don't think anybody -- don't
2 even bring that up.

3 COMMISSIONER HARRINGTON: Well, we need to address the
4 fact why -- option number 2 I think is not an acceptable
5 response and I think clearly with -- this community would like
6 to annex that area. There is nobody living in the detachment
7 area so it cannot possibly meet some of the requirements of a
8 local action detachment. Therefore we cannot approve this as
9 it sets unless we amend it. We are amending it for a
10 legislative review. That will cost the local community much
11 less than attempting to put on an election. For my question
12 today, asking if anyone is opposed, nobody in this audience
13 seemed to be opposed. If there was opposition of any sort I
14 would be willing to do something different, but I see there is
15 no local opposition to this annexation. The most efficient
16 process that we can give this community is to go with the
17 legislative review process so we can continue not forcing
18 anybody to do anything additional. We take it from here, move
19 it on, make sure all of the steps are met and make sure that
20 the rest of the petition meets those requirements, but once
21 having done that then the -- if it passes this community will
22 be united shortly after the legislative session begins unless
23 some act of God from the legislature changes something. And I
24 really would not expect that. This seems to be the most
25 efficient and effective motion.

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 CHAIRMAN CHRYSTAL: This motion. Okay. I agree.

2 Anybody else? Can we hear a vote on that motion then?

3 MR. WILLIAMS: Yes, Chair. Commissioner Harrington?

4 COMMISSIONER HARRINGTON: Yes.

5 MR. WILLIAMS: Commissioner Wilson?

6 COMMISSIONER WILSON: Yes.

7 MR. WILLIAMS: Commissioner Hargraves?

8 COMMISSIONER HARGRAVES: Yes.

9 MR. WILLIAMS: Commissioner Harcharak?

10 COMMISSIONER HARCHARAK: Yes.

11 MR. WILLIAMS: Chair Chrystal?

12 CHAIRMAN CHRYSTAL: Yes. So the motion passes. The
13 next item is the suspension of 3 AAC 110.425, which my
14 understanding tells me that by suspending this then the City of
15 Allakaket cannot be required to hold some kind of a special
16 meeting before they even sent the petition. Is that correct?

17 MR. WILLIAMS: This is Brent Williams. That's pretty
18 much correct, Chair. For a legislative review petition a
19 hearing is -- the petitioner, in this case the City, is
20 required to hold a petitioner (sic) before it is submitted to
21 the Local Boundary Commission. However, the commission has
22 just changed the petition from one form to another, so how can
23 city have held a hearing beforehand, because back then it was a
24 local action petition.

25 CHAIRMAN CHRYSTAL: Right.

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 MR. WILLIAMS: So it is still required, however, so
2 that LBC has a motion before it to suspend that regulation so
3 that the city is not required to hold that hearing beforehand.

4 CHAIRMAN CHRYSTAL: Right.

5 MR. WILLIAMS: Its come and gone.

6 CHAIRMAN CHRYSTAL: Right. So I would entertain a
7 motion to suspend 3 AAC 110.425.

8 COMMISSIONER WILSON: So moved.

9 CHAIRMAN CHRYSTAL: Moved by Commissioner Wilson. Do I
10 have a second?

11 COMMISSIONER HARRINGTON: Second.

12 CHAIRMAN CHRYSTAL: Second by Commissioner Harrington.
13 Discussion?

14 COMMISSIONER HARRINGTON: We'd like it read into the
15 record.

16 CHAIRMAN CHRYSTAL: I think that would be a good idea.
17 Would you read that in for your motion then?

18 COMMISSIONER WILSON: I, Commissioner Wilson, move to
19 suspend 3 AAC 110.425 for the petition for detachment from and
20 concurrent annexation to the City of Allakaket. Strict
21 adherence to the regulation would work in investus and would
22 not serve relevant constitutional principles and the board
23 public interest under 3 AAC 110.660.

24 CHAIRMAN CHRYSTAL: All right. And this is --
25 agreeable to the second?

1 COMMISSIONER HARRINGTON: Yes.

2 CHAIRMAN CHRYSTAL: Okay. Questions? Comments?

3 COMMISSIONER HARRINGTON: We are stuck with a set of
4 regulations and requirements but the process of having a
5 hearing in a detachment area that has nobody is on its face
6 relatively absurd. We should have -- I mean I think we would
7 have automatically suspended this regulation, had they
8 requested it, beforehand. So I don't see this as an after the
9 fact issue. This is just one of those clean up the record
10 issues that make sure that it passes all of our regulations and
11 all of the city regulations and laws so that this can move
12 forward expeditiously.

13 CHAIRMAN CHRYSTAL: Absolutely. Questions, comments?
14 Okay. Could we hear a vote? Roll call, please?

15 MR. WILLIAMS: Yes, Chair Chrystal? Commissioner
16 Harrington?

17 COMMISSIONER HARRINGTON: Yes.

18 MR. WILLIAMS: Commissioner Wilson?

19 COMMISSIONER WILSON: Yes.

20 MR. WILLIAMS: Commissioner Hargraves?

21 COMMISSIONER HARGRAVES: Yes.

22 MR. WILLIAMS: Commissioner Harcharak?

23 COMMISSIONER HARCHARAK: Yes.

24 MR. WILLIAMS: Chair Chrystal?

25 CHAIRMAN CHRYSTAL: Yes. Okay. The motion passes.

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 We'll now move on to the -- this is the kind of cumbersome part
2 that's kind of boring.

3 COMMISSIONER HARGRAVES: Mr. Chairman?

4 CHAIRMAN CHRYSTAL: Yes, sir?

5 COMMISSIONER HARGRAVES: Do we have, in this process, a
6 motion to approve that petition?

7 MR. WILLIAMS: This is Brent Williams. You don't have
8 one now. You could do one now. Because you're going to
9 introduce a motion to approve the petition, it needs to be in
10 the positive. And then you're going to go through the
11 standards and at the end you're going to decide whether to
12 approve, amend or deny the petition.

13 COMMISSIONER HARGRAVES: So there needs to be a motion.
14 Mr. Chairman, I move that we approve the petition for
15 detachment and concurrent annexation in Allakaket, and that we
16 proceed with reviewing the standards.

17 COMMISSIONER HARRINGTON: Second.

18 CHAIRMAN CHRYSTAL: Okay. We have a motion from
19 Commissioner Hargraves, second from Commissioner Harrington.
20 Any other questions, comments? Okay.

21 COMMISSIONER HARGRAVES: At this point we'll go through
22 the standards and then vote on them?

23 MR. WILLIAMS: Yes, Commissioner, that's correct.

24 COMMISSIONER HARGRAVES: (Indiscernible - simultaneous
25 speaking).

1 CHAIRMAN CHRYSTAL: All right. This is the boring
2 part. Let's see. Are there any -- yes, sir?

3 MR. WILLIAMS: You can vote on -- sorry. No, I guess
4 you're -- sorry, go ahead. My bad.

5 CHAIRMAN CHRYSTAL: Are there any regulations to be
6 suspended before the petition standards can be addressed? And
7 we just did that. All right. Okay. If yes, restate the
8 proposed suspension for the record. And that was the motion to
9 suspend 3 AAC 110.425. Does everybody agree with that?

10 COMMISSIONER HARGRAVES: Right.

11 CHAIRMAN CHRYSTAL: Okay. So we did that. If yes,
12 condition or amendment for the record. And we did that
13 already. Okay. Moving on to 3 AAC 110.257, the standards for
14 detachment from the city. Okay. Number 1, it meets the
15 applicable standards under the constitution of the State of
16 Alaska. Number 2, it meets the standards of 3 AAC 110.257, 3
17 AAC 110.260, 3 AAC 110.900, and 3 AAC 110.970, and number 3, is
18 in the best interest of the state. Do we agree on this?
19 Hearing no argument.

20 Okay. The next item is maximum local self government.
21 Does the proposed detachment promote maximum local self
22 government? And in determining whether it promotes local self
23 government the commission of the State of Alaska will (sub 10)
24 for city detachment to an unorganized borough.....

25 MR. WILLIAMS: Chair, if I may. 257, you will answer

1 that after going through everything else. Okay? That's why
2 there's not a yes or no box.

3 CHAIRMAN CHRYSTAL: Right. Right. Okay. Going back
4 to where -- okay. (A), the proposal would diminish the
5 provision of local government to the territory and population
6 being detached, or detrimentally effect the capacity of the
7 revenue city to provide local government services, and local
8 government needs of a detached territory and population can be
9 adequately met by another existing local government. So
10 therefore that does not apply, is this correct, Mr. Williams?

11 MR. WILLIAMS: Yes, Chair.

12 CHAIRMAN CHRYSTAL: Says another word there.

13 MR. WILLIAMS: Right. Under 10, it's only something
14 you have to consider in determining where the proposed
15 detachment promotes maximum local self government. All you
16 need to do is consider 10(a) and (b), consider it, but overall
17 you decide yes or no, does the proposal promote maximum local
18 self government. You do have to consider 10 before you can get
19 there.

20 CHAIRMAN CHRYSTAL: And we have consider it, is that
21 correct? Everybody agree to that? Okay. 110.982, minimum
22 number of local government units. Does the proposal for
23 detachment promote minimum number of local government units?
24 Among the factors to be considered in determining whether the
25 proposed boundary change promotes a minimum number of local

1 government units, in accordance with Article X, Section 1,
2 constitution of the State of Alaska, the commission will
3 consider, for city detachment, whether the detached area by
4 itself is likely to be incorporated as a new city? And it's
5 pretty obvious that will be no. Does everybody agree with
6 that? Okay. 3 AAC 110.....

7 COMMISSIONER HARRINGTON: The detached area would not
8 be considered as a new government, that's true. But that
9 doesn't preclude it from being included in another government
10 if they choose to move in there. That's right.

11 MR. WILLIAMS: All that (9) says is that the detached
12 portion by itself -- just itself, could that be a new city on
13 its own? And the staff's recommendation is that no, that
14 cannot function by itself, nobody lives there.....

15 CHAIRMAN CHRYSTAL: Right.

16 MR. WILLIAMS:as a city by itself.

17 MR. ENINGUWOK: Therefore the regulation is met.

18 CHAIRMAN CHRYSTAL: So -- correct.

19 MR. ENINGUWOK: Okay.

20 CHAIRMAN CHRYSTAL: 3 AAC 110.260, the best interest of
21 the state. Is the detachment of the proposed territory in the
22 best interest of the state? In determining whether detachment
23 from a city is in the best interest of the state under Alaska
24 statutes 29.06.040, the commission may consider relevant
25 factors including the health, safety and general welfare of the

1 proposed remnant city and territory after detachment; the
2 ability of the proposed remnant city to efficiently and
3 effectively provide reasonably necessary facilities and
4 services after detachment; the reasonably anticipated potential
5 for, and the impact of future population growth or economic
6 development that will require a local government regulation in
7 the territory after detachment.

8 COMMISSIONER HARRINGTON: Can we solve those three and
9 review them quickly?

10 CHAIRMAN CHRYSTAL: We probably could. Yeah, unless
11 anybody's got some comments about all of these, we could.....

12 COMMISSIONER HARRINGTON: With nobody living there, the
13 health and safety and welfare of that remnant is a moot issue
14 in my mind. The proposed remnant, effectively no services will
15 be provided there unless.....

16 CHAIRMAN CHRYSTAL: And this is in the best interest of
17 the state.

18 COMMISSIONER HARRINGTON: And clearly the best interest
19 of the state in all of this is to get this whole issue resolved
20 and get the governments looking at everything in a consolidated
21 view. So anyway, those are my comments are those first three.

22 CHAIRMAN CHRYSTAL: Okay. And the next item.....

23 COMMISSIONER HARCHARAK: I heartily concur with you,
24 Commissioner Harrington -- this is Commissioner Harcharak --
25 everything you just said.

1 CHAIRMAN CHRYSTAL: Right.

2 COMMISSIONER HARCHARAK: It's a (indiscernible) and
3 we'll get this straightened out for everybody there.

4 CHAIRMAN CHRYSTAL: Absolutely. Okay. The next item
5 is pretty much the same thing. Will the territory's
6 requirements for local government services be adequately met
7 following detachment? Well, there won't be any local
8 government service required since there's nobody there. Is
9 that right? Okay.

10 Has the petition proven that it will not create non-
11 contiguous parts of the city or enclaves within the city?
12 Absent a specific and pervasive showing to the contrary the
13 commission will presume that territory proposed for detachment
14 that would create non-contiguous parts of the city, or enclave,
15 does not meet the standards for detachment. And we have
16 nothing there. So.....

17 MR. WILLIAMS: Again, Chair, these are the only things
18 that we all may consider not limited.

19 CHAIRMAN CHRYSTAL: Right. Okay. And where do we go
20 here? Okay. Do we need to run through these other ones here
21 right below it? Anybody got any comments on them? We're still
22 talking about the detachment, right? Yeah. Can we move
23 through halfway down there?

24 COMMISSIONER HARRINGTON: Sure.

25 CHAIRMAN CHRYSTAL: Okay. Nobody's got any comments?

1 Okay.

2 MR. WILLIAMS: At the end all you need to decide is
3 whether.....

4 COMMISSIONER HARRINGTON: Looks like I have a different
5 (indiscernible). I guess I was just given a different set of
6 stuff there.

7 MR. WILLIAMS: At the end all you need to decide is
8 whether the proposed detachment is in the best interest of the
9 state.

10 CHAIRMAN CHRYSTAL: And it is. I think we all agree a
11 hundred percent.

12 COMMISSIONER HARRINGTON: Yeah.

13 CHAIRMAN CHRYSTAL: Okay. Moving on to city annexation
14 standards. 3 AAC 110.090. This is the need. Does the
15 territory.....

16 MR. WILLIAMS: Chair, we've got 263.

17 MR. ENINGUWOK: There's one that's below.....

18 CHAIRMAN CHRYSTAL: We go over that now?

19 MR. ENINGUWOK: It must be.....

20 CHAIRMAN CHRYSTAL: Okay. Under legislative review, 3
21 AAC 110.263. Territory that meets the detachment standards
22 specified 3 AAC 110.257, 3 AAC 110.260, may detach from the
23 city by the legislative review process if the commission also
24 determines that any one of the following circumstances exists.
25 Okay.

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 Number 1, the health, safety and general welfare of
2 city residents is or will be endangered by conditions existing
3 or potentially developing in the territory, and detachment will
4 enable the city to regulate or control the detrimental effects
5 of these conditions.

6 Number 2, it is impossible or impractical for the city
7 to extend facilities or services to the territory.

8 Number 3, residences or property owners within the
9 territory have not received, and do not reasonably expect to
10 receive, directly or indirectly, the benefit of city government
11 without significant additional tax contributions.

12 Number 4, the commissioner determines that specific
13 policies set out in the constitution of the State of Alaska,
14 Alaska statutes 29.04, 29.05 and 29.06 are best served through
15 detachment of the territory by the legislative review process,
16 and that detachment is in the best interest of the state.

17 Any one of the following existed, and I think number 4
18 certainly qualifies. Is that correct?

19 MR. WILLIAMS: We found.....

20 CHAIRMAN CHRYSTAL: So that should take care of that
21 one.

22 MR. WILLIAMS: Yeah, correct.

23 CHAIRMAN CHRYSTAL: So they don't have to have 1. So -
24 - but the rest of them do too. Are we good to go on that one?

25 MR. WILLIAMS: Yes, sir.

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

1 CHAIRMAN CHRYSTAL: Okay. Where was I? I was on city
2 annexation standards, I believe. 3 AAC 110.090(e), does the
3 territory.....

4 MR. WILLIAMS: Chair, this is Brent, if I may. Maybe a
5 statement if at this point the commission has found that
6 overall that the city detachment standards have been met, or
7 not met, before we go into annexation.

8 CHAIRMAN CHRYSTAL: If you prefer, yeah. We certainly
9 agree that city -- detachment standards have been met. Anybody
10 got any disagreement?

11 COMMISSIONER HARRINGTON: Without the comments of the
12 audience, in the past we've taken three or four hours to go
13 through what we've just done in about 15 or 20 minutes. So
14 understand that some things in particular got lost a little
15 bit, clearly our intent here is to examine every one of these
16 issues and I think as you probably heard, and as I would say
17 for the record, we think the detachment issues have been met
18 appropriately.

19 CHAIRMAN CHRYSTAL: Right. Thank you. Okay.

20 COMMISSIONER HARGRAVES: Mr. Chairman, I concur with
21 that statement completely, yeah. We're going through it fast
22 but I think it's understandable that it's pretty clear where we
23 stand.

24 CHAIRMAN CHRYSTAL: Well, when you really get down to
25 it we're talking about a little sliver of land that nobody

1 lives on, you know, so it's not a real huge issue.

2 Okay. Does the territory exhibit a reasonable need for
3 city government? The territory must exhibit a reasonable need
4 for city government. In this -- we're talking about the
5 annexation now. In this regard the commission may consider
6 relevant factors including, number 1, existing or reasonably
7 anticipated social or economic conditions including the extent
8 to which residential and commercial growth of the community has
9 occurred, or is reasonably expected to occur beyond the
10 existing boundaries of the city during the 10 years following
11 the effective date of annexation. Number 2, existing or
12 reasonably anticipated health, safety and general welfare
13 conditions. Number 3, existing or reasonably anticipate
14 economic development. Number 4, adequacy of existing services.
15 Number 5, extraterritorial powers available to the city to
16 which the territory is proposed to be annexed, and
17 extraterritorial powers of nearby municipalities; and number 6,
18 whether the residents or property owners within the territory
19 receive or may reasonably expect to receive, directly or
20 indirectly, the benefit of services and facilities provided by
21 the annexing city. Any comments on that?

22 COMMISSIONER HARRINGTON: I would say definitely yes on
23 all of that. Clearly when you see that the city is operating
24 as a unified body, even though they are in separate areas, they
25 have demonstrated by their activities and by their behavior the

1 need for city government in this entire area.

2 CHAIRMAN CHRYSTAL: Everybody agree with that?

3 COMMISSIONER HARGRAVES: Yes.

4 CHAIRMAN CHRYSTAL: I certainly do. Okay. Can
5 essential municipal services be provided more efficiently and
6 more effectively by another existing municipality service
7 provider? Under (b), the territory may not be annexed to a
8 city if the essential municipal services can be provided more
9 efficiently and more effectively by another existing city or by
10 an organized borough on an area wide basis or non-area wide
11 basis, or through a borough service area, that in the
12 determination of the commission was established in accordance
13 with Article X, Section 5, constitution of the State of Alaska.
14 And I think it is obvious that municipal services cannot be
15 provided effectively by anybody else because there isn't
16 anybody else. Everybody agree with that?

17 COMMISSIONER HARRINGTON: Right. There isn't anybody
18 else.

19 CHAIRMAN CHRYSTAL: Right. Okay. Other character,
20 110.100. Is the territory compatible in character with the
21 city? In this regard the commission may consider relevant
22 factors, including the land use, subdivision platting and
23 ownership patterns, salability of land for residential,
24 commercial or industrial purposes, population density, cause or
25 recent population changes, suitability of the territory for

1 reasonably anticipated community purposes, existing and
2 reasonably anticipated transportation patterns and facilities,
3 and natural geographical features and environmental factors. I
4 think it's obvious the character is compatible with the city.
5 Disagreement? Okay.

6 Moving on to resources, 3 AAC 110.110. Does the
7 economy within the proposed extended boundaries of the city
8 include the human and financial resource necessary to provide
9 essential municipal services on an efficient cost effective
10 level? In this regard the commission may consider relevant
11 factors, including (1), reasonably anticipated functions to the
12 city in the territory being annexed, reasonably anticipated new
13 expenses of the city that would result from annexation, actual
14 income and the reasonably anticipated ability to generate and
15 collect local revenue and income from the territory,
16 feasibility and plausibility of those aspects of the city's
17 anticipated operating and capital budgets that would be
18 effected by the annexation through the period extending one
19 full fiscal year beyond the reasonably anticipated date for
20 completion of the transition set out in 3 AAC 110.900.

21 Number 5 is the economic base of the territory within
22 the city after annexation. Number 6 is valuations of taxable
23 property in the territory proposed for annexation. Number 7 is
24 land use in the territory proposed for annexation. Number 8,
25 existing and reasonably anticipated industrial, commercial and

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 resource development in the territory proposed for annexation.
2 Number 9, personal income of residents in the territory and in
3 the city, and number 10, need for and availability of
4 employable skilled and unskilled persons to serve the city
5 government as a result of annexation.

6 Brice, are you there? You've looked into the economy
7 and the proposed budget, and what have you, after annexation,
8 and everything meets the standards of the staff?

9 MR. ENINGUWOK: Correct. This is Brice. The city has
10 been operating and providing services to the Allakaket for the
11 last 20 years and they still have some -- they have a little
12 bit of access each fiscal year. They are providing those
13 services already.

14 CHAIRMAN CRYSTAL: Okay. So we can safely say that
15 under resources is yes, they do have the capacity to staff and
16 service the anticipated annexation?

17 MR. ENINGUWOK: And I think it was under port that the
18 numbers used for community revenue sharing will increase a
19 little bit.

20 CHAIRMAN CRYSTAL: Okay. Any other comments? Okay.
21 Under -- what?

22 COMMISSIONER HARRINGTON: Just that they have an
23 autonomy as a city effectively in 20 years. This is in my mind
24 clearly, because a functioning body they -- this is in the best
25 interest of all concerned.

1 CHAIRMAN CHRYSTAL: Right.

2 COMMISSIONER HARRINGTON: But yes, it does meet all of
3 these standards.

4 CHAIRMAN CHRYSTAL: Okay. Under population, is the
5 population of the proposed expanded boundaries of the city
6 sufficiently large and stable to support the extension of city
7 government? In this regard the commission may consider
8 relevant factors including (1), census enumerations, (2),
9 duration of residency, (3), historical population patterns,
10 (4), seasonal population changes, (5), age distributions, (6),
11 contemporary and historical public school enrollment data, and
12 (7), non-confidential data from the Department of Revenue
13 regarding applications under AS 43.23 for Permanent Fund
14 applications, or Permanent Fund dividends. So this kind of
15 falls under the same thing as the previous comments. So we do
16 meet that standard, correct?

17 MR. WILLIAMS: Yeah. It is the staff recommendation,
18 Chair. And if I may, the LBC recently approved the
19 incorporation of the City of Edna Bay, which has a little over
20 50 residents.....

21 CHAIRMAN CHRYSTAL: Right.

22 MR. WILLIAMS:or at least 51 voters, and
23 Allakaket is three or four times the size of that community.

24 CHAIRMAN CHRYSTAL: Right. Okay. Under 3 AAC 110.130
25 is boundaries. Do the boundaries include all the land and

1 water necessary to provide essential municipal services on an
2 efficient cost effective level? Sub (a), the proposed expanded
3 boundaries of the city must include all land and water
4 necessary to provide the development of essential municipal
5 services on an efficient cost effective level. In this regard
6 the commission may consider relevant factors including, number
7 1, land use and ownership patterns, number 2, population
8 density, number 3, existing and reasonably anticipated
9 transportation patterns and facilities, number 4, national
10 geographical features and environmental factors, and number 5,
11 extraterritorial powers of cities. Okay. Anybody have any
12 problems with this one being a yes? I'd just point out to some
13 of you that the standards don't necessarily to meet every
14 single item. It just has to be preponderance of it. Okay.

15 Is the territory proposed for annexation continuous to
16 the city, or does it avoid creating enclaves to the city? (b)
17 absent a specific and pervasive showing to the contrary the
18 commission will presume the territory that is not contiguous to
19 the annexation of the city, or that would create enclaves in
20 the annexing city, does not include all land and water
21 necessary to allow for the development of essential municipal
22 services on an efficient cost level. Okay. This one is --
23 yes, sir?

24 COMMISSIONER HARRINGTON: It would appear, as I look at
25 the map, clearly there are no enclaves that were created. I

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 can't speak to whether they have other property that meet all
2 of their needs but it should appears that that has been met.
3 The boundaries are clear and clean, and I would -- it meets the
4 standard in my mind.

5 CHAIRMAN CHRYSTAL: Right. It's certainly contiguous.

6 COMMISSIONER HARRINGTON: Yes.

7 CHAIRMAN CHRYSTAL: Okay. And then if the territory is
8 not contiguous, that's the next one. We don't need to address
9 that because we're already bypassed that. Okay. Let's see,
10 how about the next one. Do we need to do that? Will the city
11 be on a scale suitable for city government, and unless
12 justified, not include entire geographic areas or unpopulated
13 areas? (c), to promote the limitation of community, the
14 proposed expanded boundaries of the city, number 1, must be on
15 a scale suitable for city government and may include only that
16 territory comprising an existing local community plus
17 reasonably anticipated predictable growth, development and
18 public safety needs during the 10 years following the effective
19 date of annexation. Anybody disagree with the standards on
20 that one?

21 COMMISSIONER HARRINGTON: I would say yes, it is met
22 and I think it is demonstrated in the petition by the idea of
23 detaching a certain section.

24 CHAIRMAN CHRYSTAL: Right.

25 COMMISSIONER HARRINGTON: Clearly they are examining

1 and determining what area they need and what they've decided
2 has been justified.

3 CHAIRMAN CHRYSTAL: Right. Okay. To promote the
4 limitation of community the proposed expanded boundaries of the
5 city, number 2, may not include entire geographic areas or
6 large unpopulated areas except if those boundaries are
7 justified by the application of the standards in 3 AAC 110.090,
8 and 3 AAC 110.135, and are otherwise suitable for city
9 government. I don't think this is an issue because they are
10 not doing that. They're not expanding into huge unpopulated
11 areas. So it does meet the standard. Okay. Well, yeah, it
12 does meet the standards.

13 If yes to (c)(2), are those expanded boundaries
14 justified by the application of the standards in 3 AAC
15 110.090.....

16 MR. WILLIAMS: Chair?

17 CHAIRMAN CHRYSTAL: Yes, sir?

18 MR. WILLIAMS: You can skip that because it's only if
19 they were including large areas.

20 CHAIRMAN CHRYSTAL: Okay. Let's see. Does the
21 annexation petition describe boundaries overlapping the
22 boundaries of an existing organized borough or city? And
23 obviously it doesn't.

24 MR. WILLIAMS: No reason to go through that one.

25 CHAIRMAN CHRYSTAL: Okay. Number 3 AAC 110.981(7),

1 determination of maximum local self government. Does the
2 proposed detachment provide maximum local self government? We
3 already did that, didn't we?

4 COMMISSIONER HARRINGTON: Yeah, that was.....

5 MR. WILLIAMS: That was for detachment.

6 CHAIRMAN CHRYSTAL: Right. As I say, didn't we already
7 do that?

8 MR. WILLIAMS: Not for annexation.

9 MR. ENINGUWOK: Yeah. The first one was just
10 detachment. So.....

11 MR. WILLIAMS: Okay. Scratch out detachment and write
12 in annexation.

13 CHAIRMAN CHRYSTAL: Okay. Don't confuse us. We get
14 easily confused.

15 MR. WILLIAMS: All right.

16 COMMISSIONER HARCHARAK: That's for sure. Even at this
17 end.

18 MR. WILLIAMS: And the same with the next one too.

19 CHAIRMAN CHRYSTAL: Okay. Does the proposed annexation
20 promote maximum local self government? In determining whether
21 a proposed boundary change promotes local self government under
22 Article X, Section 1, constitution of the State of Alaska, the
23 commission will consider, number 7, for city incorporation or
24 annexation in the unorganized borough, whether the proposal
25 would extend local government to territory and population of

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 the unorganized borough where no local government currently
2 exists. I think we've met that standard.

3 COMMISSIONER HARRINGTON: That's a standard -- that's
4 sort of because the city is already brewing and it's time that
5 we acknowledged the fact, yes.

6 CHAIRMAN CHRYSTAL: Okay. The next one is 3 AAC
7 110.982(7), the minimum number of local government units. Does
8 the proposed annexation promote a minimum number of local
9 government units? Among the factors to be considered in
10 determining whether a proposed boundary change promotes a
11 minimum number of local government units in accordance with
12 Article X, Section 1, constitution of the State of Alaska, the
13 commission will consider, number 7, for city annexation,
14 whether the jurisdictional boundaries of an existing city are
15 being enlarged rather than promoting the incorporation of a new
16 city or creation of a new borough service area. I guess we
17 meet that standard.

18 COMMISSIONER HARRINGTON: Yes.

19 CHAIRMAN CHRYSTAL: Okay. The best of the state under
20 3 AAC 110.1345. In annexing the territory to the city, is it
21 in the best interest of the state? In determining whether
22 annexation to a city is in the best interest of the state under
23 Alaska statute 29.06.04(a), the commission may consider 11
24 factors, including whether annexation, number 1, promotes
25 maximum local self government as determined under 3 AAC

1 110.981; number 2, promotes a minimum number of local
2 government units as determined under 3 AAC 110.982, and in
3 accordance with Article X, Section 1, constitution of the State
4 of Alaska; and number 3, will relieve the state government of
5 the responsibility of providing local services. We clearly
6 meet that standard.

7 Okay. Getting down near the end. 3 AAC 110.900, the
8 transition.

9 MR. ENINGUWOK: Chair?

10 CHAIRMAN CRYSTAL: Yes, sir?

11 MR. ENINGUWOK: The 900 series following here is going
12 to be for both detachment and annexation.

13 CHAIRMAN CRYSTAL: Okay. Does the petition contain a
14 practical transition plan for the proposed detachment and for
15 the proposed annexation? And under (a), a petition for
16 incorporation, annexation, merger or consolidation must include
17 a practical plan that demonstrates the capacity of the
18 municipal government to extend essential municipal services
19 into the boundaries proposed for change in the shortest
20 practical time after the effective date of the proposed change.
21 A petition for municipal detachment or dissolution under Alaska
22 Statutes 29.06, or a city reclassification under 29.04, must
23 include a practice plan demonstrating the transition or
24 termination of municipal services in the shortest practical
25 time after detachment, dissolution, or city reclassification.

1 And that has been presented to you?

2 COMMISSIONER HARRINGTON: Clearly since the city is
3 already not delivering services in the detachment area, and
4 since they're already delivering services into the annexation,
5 this has been met. Clearly.

6 CHAIRMAN CHRYSTAL: Clearly. Okay. Does the
7 transition plan include the assumption of all powers, duties,
8 right and functions provided to the territory proposed to be
9 detached, and all functions currently provided in the territory
10 proposed to be annexed? Each petition must include a practical
11 plan for the assumption of all relevant and appropriate powers,
12 duties, rights and functions presently exercised by an existing
13 borough, city, unorganized borough, service area, or other
14 appropriate entity located within the boundaries proposed for
15 change. So we do have a transition plan that covers all this?
16 So we have met that.

17 MR. ENINGUWOK: That's correct, Chair.

18 CHAIRMAN CHRYSTAL: Okay. Was the plan prepared in
19 consultation with the officials of each existing borough, city
20 and unorganized borough service area? The plan must be
21 prepared in consultation with the officials of each existing
22 borough, city and unorganized borough service area, and must be
23 designed to effect an orderly, efficient, economic transfer
24 within the shortest practical time, not to exceed two years.
25 Well, since we have no other borough, cities, or whatever, this

1 plan -- this is not (indiscernible), right? Okay.

2 All right. Does the transition plan include a plan for
3 all the assets and liabilities from the territory proposed to
4 be detached and the territory proposed to be annexed? Each
5 petition must include a practical plan for the transfer and
6 integration of all relevant and appropriate assets and
7 liabilities of an existing borough, city, unorganized borough
8 service area, or other entity located within the boundaries
9 proposed for change. And this is met, is that correct?

10 Once the plan.....

11 MR. ENINGUWOK: Chair?

12 CHAIRMAN CRYSTAL: Yes, sir?

13 MR. ENINGUWOK: The plan was -- to be precise, the plan
14 is in the petition itself and we met those through our reports
15 as stated.

16 CHAIRMAN CRYSTAL: Okay.

17 MR. WILLIAMS: Not everything is (indiscernible).
18 There are no assets, (indiscernible) (a) and (b).

19 MR. ENINGUWOK: Most of those -- talking about assets,
20 there is a community association that was providing those
21 before. In this case there is no community association and the
22 city is providing those services as those assets already.

23 CHAIRMAN CRYSTAL: Okay. Do we need to -- at the top
24 of page 8 there, we've got one, two, three standards to meet
25 and I'll still address with the plan that we just talked about.

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 Do we need to cover each one of those individually?

2 MR. WILLIAMS: I believe that the commission could find
3 whether 900. -- 110.900 is met, or not met. Not all of these
4 are pertinent, so you could go through -- we don't believe that
5 you have to go through them.

6 CHAIRMAN CHRYSTAL: Okay.

7 MR. WILLIAMS: Just as long you can say whether or not
8 it is met.

9 COMMISSIONER HARRINGTON: It has been met clearly.

10 CHAIRMAN CHRYSTAL: So how far down do we want to go
11 here?

12 MR. WILLIAMS: Next page, sir, 910.

13 CHAIRMAN CHRYSTAL: Okay. 910. It'd be 110.910,
14 statement of non-discrimination. Does the effective or
15 proposed changes deny any person the enjoyment of any civil or
16 political right? A petition will not be approved by the
17 commission if the effective or proposed change denies any
18 person the enjoyment of any civil or political right, including
19 voting rights, because of race, color, creed, sex, or national
20 origin. Okay. We're not worried about this one. The standards
21 are met?

22 MR. WILLIAMS: Correct.

23 COMMISSIONER HARRINGTON: It has been met because the
24 answer is no.

25 MR. WILLIAMS: Correct.

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 CHAIRMAN CHRYSTAL: All right. Under 3 AAC 110.970(c),
2 determination of essential municipal services. Does the
3 transition call for the identification of essential municipal
4 services for the city? If the provision of this chapter calls
5 for the identification of essential municipal services for the
6 city the commission will determine those services to consist of
7 those mandatory and discretionary powers and facilities.

8 MR. WILLIAMS: Our opinion is yes. There's another
9 regulation that does call for the identification of essential
10 municipal services, and if you find that to be true then you go
11 on to the parts below.

12 CHAIRMAN CHRYSTAL: Okay. If yes, do these services
13 consist of those mandatory and discretionary powers and
14 facilities that, number 1, are reasonably necessary to the
15 community? Is that correct? Promote maximum local self
16 government?

17 COMMISSIONER HARRINGTON: Yes.

18 CHAIRMAN CHRYSTAL: Correct. Cannot be provided more
19 efficiently and more effectively by the creation or
20 modification of some other political subdivision of the state?
21 Met? Okay. Now the commission may determine essential
22 municipal services for a city to include, number 1, levying
23 taxes, number 2, for a city in the unorganized borough
24 assessing the value of taxable property, 3, levying and
25 collecting taxes, 4, for a first class or home rule city in the

1 unorganized borough establishing, maintaining and operating a
2 system of public schools within the city as provided by Alaska
3 Statute 14.14.005. Number 5 is public safety protection,
4 number 6, planning, platting and land use regulations, and
5 number 7, other services that the commission considers
6 reasonably necessary to meet local government needs of resident
7 of the community. Okay. We are not setting any standards, is
8 that right?

9 MR. WILLIAMS: You are just finding whether or not the
10 -- that there are essential municipal services and then you've
11 already gotten through the part there that is (indiscernible).

12 CHAIRMAN CRYSTAL: Okay. Everybody happy? Okay.
13 Even Barrow is happy.

14 COMMISSIONER HARCHARAK: You got me trapped in there.

15 MR. WILLIAMS: Chair, this is Brent Williams. If I
16 may, we've gone through all the standards. We went through
17 them quickly. I think it may be very clear to the commission
18 and to the staff and the people in the room, but maybe down the
19 road people look at the record, we want to very, very sure that
20 at this point what we did for the detachment suggests that the
21 commission discussed and emphatically say whether the standards
22 for both detachment and annexation have been met, or not met.

23 CHAIRMAN CRYSTAL: Are you just looking for a
24 statement, or a motion?

25 MR. WILLIAMS: Just a discussion similar to what the

1 commission did for the detachment. Yes, the standards for
2 detachment and annexation have been met, or no, they have not
3 met.

4 CHAIRMAN CRYSTAL: Well, I'll just say that I feel
5 that the standards certainly are met for all purposes, for both
6 the detachment and the annexation. And does anybody else have
7 a comment about the same thing?

8 COMMISSIONER WILSON: Mr. Chairman, I concur.

9 COMMISSIONER HARCHARAK: I totally concur with you,
10 Lynn.

11 CHAIRMAN CRYSTAL: Okay.

12 COMMISSIONER HARCHARAK: This is Commissioner
13 Harcharak. And hopefully Allakaket will not have to go through
14 any more of these machinations and, you know, paper trails and,
15 you know, trying to work with different agencies in the state.
16 I think we have covered everything pretty tightly. I think
17 Brice and company did a good job in preparing this. I'd only
18 regret that I am not there to interact with that 90 year old
19 gentleman who was speaking.

20 CHAIRMAN CRYSTAL: Thank you, Bob. Anybody else?

21 COMMISSIONER HARCHARAK: You're welcome.

22 COMMISSIONER HARRINGTON: This is a unique petition
23 before us. I like the conciseness of it. I like the fact that
24 the detachment was clearly identified and the reasons for the
25 detachment were made. That the area for expansion was clearly

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 identified and the reason for the annexation was specified. I
2 enjoy the humor of having council members who are elected to
3 the city council not living in the current city but living in
4 the future city. Clearly we are here in that situation where
5 this city should progress and it has met all of the standards
6 that I can conceivably think of for us to approve this
7 annexation and detachment.

8 CHAIRMAN CRYSTAL: Absolutely. Anybody else? Yes,
9 sir.

10 COMMISSIONER HARGRAVES: Commissioner Hargraves. I too
11 concur that the standards have been met through the efforts and
12 time, work of the community, the city council, the tribal
13 organizations. And that the entire community is to be
14 commended for sticking to the gun and making this thing come
15 about. It's a thing that has a natural component to it. The
16 flooding and the periodic problems that your community has
17 experienced. So with the extent that you've met your standards
18 I concur wholeheartedly that the petition should be approved.

19 CHAIRMAN CRYSTAL: Anybody else? Okay. We're moving
20 on to the point where the decision regarding the Allakaket
21 detachment and the current annexation petition. So I would
22 entertain a motion to.....

23 MR. ENINGUWOK: The motion is already on the floor.

24 CHAIRMAN CRYSTAL: Okay.

25 MR. WILLIAMS: And Mr. Eninguwok, did the motion say

1 that it was amended?
2 MR. ENINGUWOK: Yes.
3 COMMISSIONER HARGRAVES: Could you read the motion.....
4 MR. ENINGUWOK: Commissioner Hargraves, you made the
5 motion. Could you restate the motion for us, please?
6 COMMISSIONER HARGRAVES: Commissioner Hargraves. I
7 move to approve the petition for detachment from -- and
8 concurrent annexation to the City of Allakaket as amended by
9 this commission. And that we proceed with the review of the
10 standards which we have now done.
11 MR. WILLIAMS: Chair, as I understand, the commission
12 will be voting on whether to approve or not approve the
13 petition as amended by Commissioner Hargraves.
14 CHAIRMAN CRYSTAL: That's correct.
15 MR. WILLIAMS: Thank you, sir.
16 CHAIRMAN CRYSTAL: Okay. Anybody else want to make a
17 final comment before voting? Okay. Could we have a roll call
18 vote, please?
19 MR. WILLIAMS: Yes, Chair. Commissioner Harrington?
20 COMMISSIONER HARRINGTON: Yes.
21 MR. WILLIAMS: Commissioner Wilson?
22 COMMISSIONER WILSON: Yes.
23 MR. WILLIAMS: Commissioner Hargraves?
24 COMMISSIONER HARGRAVES: Yes.
25 MR. WILLIAMS: Commissioner Harcharak?

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 COMMISSIONER HARCHARAK: Yes.

2 MR. WILLIAMS: Chair Chrystal?

3 CHAIRMAN CHRYSTAL: Yes. Okay. The motion passes
4 unanimately. And I think somebody once said the Lord helps
5 them who help themselves. You helped yourselves. You got this
6 thing going and we help you along. But it started with the
7 community and that's very important. All right. Any other
8 comments by commissioners?

9 COMMISSIONER WILSON: Can we eat now?

10 MR. ENINGUWOK: Chair?

11 CHAIRMAN CHRYSTAL: Yes, sir.

12 MR. ENINGUWOK: The next process from here on, we will
13 issue a written decisional statement and we will hold another
14 meeting in November to accept the decision as the firm
15 decision. And then once that written decision has been
16 accepted by this commission again, that will be the one
17 submitted to the legislature during this coming legislative
18 session in 2015. So.....

19 COMMISSIONER HARRINGTON: Essentially what you're
20 saying is you have to write up what we did here and we have to
21 approve those minutes, essentially, saying that's what we did?

22 MR. ENINGUWOK: Correct.

23 COMMISSIONER HARRINGTON: It's just a formality, it's
24 nothing to worry about.

25 CHAIRMAN CHRYSTAL: For sure.

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 MR. WILLIAMS: And that meeting, it will be in -- by
2 telephone in Anchorage. We're not reinventing the wheel but
3 the commission has already decided. It now needs something out
4 in writing. What's in writing will reflect what was done here
5 today, which is to approve the petition. But the meeting in
6 about three weeks will not be re-examining what to do, it's
7 already been done.

8 MR. ENINGUWOK: It's just a formality like was stated.
9 It's just something written that's official. That will be your
10 official decision here. It will be a written documentation of
11 what happened here today. The meeting is to approve that
12 written documentation. We just want to ensure that everything
13 we had there is the way -- the way we heard everything on
14 record. Congratulations on this.

15 MR. WILLIAMS: And that meeting will be telephonically
16 accessible and no charge as previously stated.

17 MR. ENINGUWOK: And I'll let you know when that
18 happens. We haven't set the date just yet. We have a couple
19 more meetings that we need to iron out before. So this will be
20 sometime this November. You'll be given advance notice and an
21 opportunity to call in and participate on that. In case we
22 something we have written down isn't what you think happened
23 today. If we wrote it down incorrectly, that's the time to
24 call in and let us know. Any questions on the next process
25 from here on out? So after that then that written decision

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 will be presented to the legislature within the first 10 days
2 of the legislative session and it will be up to the legislature
3 to essentially -- it will be up to your legislature to stop
4 this from now on out. And historically that's not been the
5 case, but you never know what your legislature has in mind. So
6 from this point on it's basically up to the legislature.

7 COMMISSIONER HARRINGTON: Usually the legislature has
8 45 days to come to a decision. Effectively within two months
9 of the start of the legislative session it will be approved
10 unless something unusual occurs.

11 CHAIRMAN CRYSTAL: The chance of this being.....

12 MR. ENINGUWOK: And if the legislature doesn't address
13 it, your petition is approved.

14 CHAIRMAN CRYSTAL: The changes of this thing being
15 overturned are as close to zero as you can mathematically get.
16 You can't say, you know, 100 percent, but it's 99.999 percent.

17 COMMISSIONER HARGRAVES: Mr. Chairman?

18 CHAIRMAN CRYSTAL: Yes, sir.

19 COMMISSIONER HARGRAVES: Could I ask who is the
20 representative and the senator for this district? Who is your
21 senator?

22 UNIDENTIFIED VOICE: I think we're having to elect him
23 in November. I think right now it's Ben (indiscernible).

24 CHAIRMAN CRYSTAL: Any other comments before we move
25 to adjourn?

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1 MR. WILLIAMS: Just that we expect 45 days after we
2 submit it to be approved. Roughly March 1st to March 15th,
3 somewhere in that range. Then as time goes by and we haven't
4 heard anything from the legislature we will let the petitioner
5 know. And then at that point if the legislature has not
6 disapproved it, it will be come effective. You know, you're
7 looking at early to mid March.

8 CHAIRMAN CHRYSTAL: In order to overturn, both houses
9 of the legislature would have to do so. So -- okay. Unless
10 there's other comments I would entertain a motion to adjourn.

11 COMMISSIONER HARGRAVES: Move to adjourn.

12 CHAIRMAN CHRYSTAL: Could we have a roll call vote,
13 please?

14 MR. WILLIAMS: Second.

15 CHAIRMAN CHRYSTAL: Oh, need a second. I'm sorry.

16 COMMISSIONER HARCHARAK: Second.

17 CHAIRMAN CHRYSTAL: Okay. We got one.

18 MR. WILLIAMS: Commissioner Harrington?

19 COMMISSIONER HARRINGTON: Yes.

20 MR. WILLIAMS: Commissioner Wilson?

21 COMMISSIONER WILSON: Yes.

22 MR. WILLIAMS: Commissioner Hargraves?

23 COMMISSIONER HARGRAVES: Yes.

24 MR. WILLIAMS: Commissioner Harcharak?

25 COMMISSIONER HARCHARAK: Yes.

ANCHORAGE TRANSCRIPTIONS

P.O. Box 100464
ANCHORAGE, ALASKA 99501

(907) 764-3227

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. WILLIAMS: Chair Chrystal?

CHAIRMAN CHRYSTAL: Yes. Okay. The motion passes.

And thank you, Robert, for coming on from Barrow. Thank you, the people of Allakaket, for your kind welcome. And good luck. I know you're going to do just fine. Okay.

(Off record)

(END OF PROCEEDINGS)

