



# State of Alaska Local Boundary Commission

550 West Seventh Avenue, Suite 1640, Anchorage, Alaska 99501, 907-269-4559, Fax 907-269-4563

## **MINUTES FOR LOCAL BOUNDARY COMMISSION (LBC) PUBLIC MEETING**

Tuesday, December 15, 2015 – 2:30 p.m.

Atwood Building, 550 West Seventh Avenue, Room 1620, Anchorage, Alaska

### **ADMINISTRATIVE MATTERS**

#### **1. Call to order**

Chair Lynn Chrystal called the meeting to order at 2:30 p.m.

#### **2. Roll call and determination of quorum**

Brent Williams called the roll: Chair Lynn Chrystal was present in-person, Commissioners Darroll Hargraves, Bob Harcharek, John Harrington and Lavell Wilson were present via teleconference and all five present represented a quorum.

#### **3. Acknowledge guests and staff present at originating site and each individual teleconference site**

**Present in-person:** Brent Williams, Eileen Collins (LBC Staff); Lynn Kenealy, Robin Eleazer (Local Government Specialists, DCRA); Marty McGhee (State Assessor, DCRA); Andy Varner (City Administrator of Sand Point, AK);

**Present via teleconference:** Winston Duncan, Pam Goode, James Squyres (Delta Junction); Mary Lynn Macsalka, Janelle Hafner (Department of Law); Buzz Otis (Fairbanks); JB Brainerd (Deputy City Attorney, Fairbanks); Dick Erickson (Whale Pass); Katherine Eldemar (Director, DCRA).

#### **4. Approve agenda**

Commissioner Harcharek moved to approve the agenda as presented. Commissioner Harrington suggested that Old Business be added under which would be public comment on items not on the agenda. This amendment was accepted and Commissioner Harrington seconded the motion. Brent Williams called the roll and the amended agenda was approved unanimously.

### **OLD BUSINESS**

#### **1. Public comment on items not on the agenda [added by amendment by Commissioner Harrington]**

None.

### **NEW BUSINESS**

#### **1. Review of the recent Alaska Supreme Court decision that upheld the LBC's approval of the Petersburg borough incorporation petition**

Janelle Hafner debriefed the commission on the recent case and answered questions from commissioners.

Commissioner Hargraves moved that the commission express appreciation to Assistant Attorney General Janelle Hafner for her hard work and expert efforts to prevail on behalf of the Local Boundary Commission in the Petersburg Borough incorporation petition.

Commissioner Harcharek seconded the motion. Brent Williams called the roll and the motion passed unanimously.

---

Lynn Chrystal, Chair

John Harrington, First Judicial District • Robert Harcharek, Second Judicial District  
Darroll Hargraves, Third Judicial District • Lavell Wilson, Fourth Judicial District

**2. Suspension of 3 AAC 110.530 requiring a final report, and suspension of certain public notice procedural requirements under 3 AAC 110.550, for the Fairbanks detachment petition hearing**

Commissioner Harcharek moved to suspend the requirement under 3 AAC 110.550(b)(2) that notice of the public hearing for the Fairbanks detachment petition be published at least three times. I move that it instead need only be published once. Strict adherence to 3 AAC 110.550(b)(2) in this case would work injustice by unnecessarily lengthening the petition process. It would also not serve relevant constitutional principles or the broad public interest. Commissioner Harrington seconded the motion. JB Brainerd and Buzz Otis both provided comment and expressed appreciation that the process could be expedited. Commissioner Harrington emphasized his view that the LBC has done Fairbanks a disservice by submitting them to the ordinary process and Commissioner Hargraves concurred. Brent Williams called the roll and the motion passed unanimously.

Commissioner Harrington then moved to suspend the requirement under 3 AAC 110.550(b)(2) that notice of the public hearing for the Fairbanks detachment petition be published at least three times. I move that it instead need only be published once. Strict adherence to 3 AAC 110.550(b)(2) in this case would work injustice by unnecessarily lengthening the petition process. It would also not serve relevant constitutional principles or the broad public interest.

Commissioner Harcharek seconded the motion. Brent Williams called the roll and the motion passed unanimously.

**3. Suspension of 3 AAC 110.700(d) for the Whale Pass Petition**

Brent Williams explained this agenda item. Commissioner Harrington moved to suspend for the Whale Pass incorporation petition the requirement of 3 AAC 110.700(d) that the original of a document served by email or fax must be submitted to the LBC within 10 days after submitting the document by email or fax. Strict adherence to 3 AAC 110.700(d) in this case would work injustice by making it harder for people to comment on the petition. It would also not serve relevant constitutional principles or the broad public interest.

Commissioner Wilson seconded the motion. Brent Williams called a roll call vote and the motion passed unanimously.

**4. Suspension of 3 AAC 110.660 for 2016 to waive the requirement that telephonic attendees pay for the call**

Commissioner Wilson moved to suspend the requirement of 3 AAC 110.690(b) that persons and parties participating by teleconference attendance shall pay the cost of that person's call. I move that instead that the calls be free for all LBC meetings and hearings in 2016. Strict adherence to 3 AAC 110.690(b) in this case would work injustice by making it harder for people to participate telephonically in LBC proceedings. It would also not serve relevant constitutional principles or the broad public interest.

Commissioner Harrington seconded the motion. Brent Williams called the roll and the motion passed unanimously.

**5. Discussion of LBC annual report**

Commissioners offered ideas and suggestions on the LBC Annual Report for staff to present in a draft form at its next meeting.

**6. Commissioners' possible trip to Juneau during the legislative session**

Commissioners offered ideas and suggestions. Commissioner Harrington asked staff to compile a list of commissioner's previously planned travel to Juneau to determine if those trips could include LBC business.

**7. Resolution of thanks for Janell Hafner** [this item was moved earlier in the agenda]

**8. Vice chair three year term end date**

Brent Williams explained that was a reminder that the vice chair term ends in April of 2016 and no action is needed at this time. Commissioner Harrington asked for an action item regarding the position to be on the next meeting's agenda.

**9. Adjourn**

Commissioner Harrington asked staff to discuss whether there is a need for a future executive session with counsel. He then moved to adjourn. Commissioner Wilson seconded his motion. Brent Williams called the roll and the meeting was adjourned at 3:42 p.m.

---

Lynn Chrystal, Chair

John Harrington, First Judicial District • Robert Harcharek, Second Judicial District  
Darroll Hargraves, Third Judicial District • Lavell Wilson, Fourth Judicial District