



## LBC Public Meeting Approved Minutes

Tuesday, December 20, 2016, at 10:00 a.m.

Atwood Building, 550 W. 7<sup>th</sup> Ave., Suite 1620; Anchorage, AK

### ADMINISTRATIVE

**1. Call to order**

The chair called the meeting to order shortly after 10:00 a.m.

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

Brent Williams called the roll and five commissioners were present and represented a quorum.

**3. Introduction of commissioners and staff**

Chair Chrystal was present in person. Commissioners Hargraves, Harrington, Wilson, and Harcharek were present via teleconference.

Brent Williams, Eileen Collins, Marty McGee (DCRA), Mary Lynn Macsalka (Department of Law) were present in person.

**4. Identify all parties present**

In person: Lea Filippi, Southwest Region School District; Brooks Chandler, City of Dillingham; Jim Brennan, City of Manokotak

Via teleconference: Jim Baldwin and Jan Levy, Ekuk, et al.; Melvin Andrew, City of Manokotak

**5. Acknowledge if members of the public are present**

None.

**6. Local Boundary Commission (LBC) chair remarks**

None.

**7. Approve or amend the agenda**

Commissioner Harcharek moved to approve the agenda as presented. Commissioner Wilson seconded the motion. The chair indicated the agenda was approved as presented.

### NEW BUSINESS

**1. Public comment concerning matters that are neither on the agenda nor pending before the commission**

None.

**2. Action item: Approve or amend draft written decision on the Manokotak annexation petition**

Commissioner Hargraves moved to approve the Manokotak decision as presented.

Commissioner Harcharek seconded the motion. There was commissioner discussion on the nature of the vote. Several commissioners offered comments on the decision to approve Manokotak's annexation petition itself. Counsel for the LBC told commissioners that the vote was to approve or deny the written statement of decision and whether they felt it accurately reflected the December 1, 2016 decision only. Mary Lynn Macsalka offered her advice on reconsideration after a question from Commissioner Harrington. Commissioner Harrington stated he felt the commission had made a serious error.

The chair called for a vote on the motion. Brent Williams called the roll. Two commissioners voted against the motion: Commissioners Harrington and Wilson. Chair Chrystal, and Commissioners Harcharek and Hargraves voted in favor and the motion passed with three votes in favor. The statement of decision on the Manokotak annexation petition was approved.

**3. Action item: Approve or amend draft written decision on the Dillingham annexation petition**

Commissioner Harcharek moved to approve the written decision on the Dillingham annexation petition. Commissioner Harrington seconded the motion.

Mary Lynn Macsalka counseled the commission that there were issues that needed to be clarified in the draft written statement for staff to complete the document. Commissioners Harcharek and Wilson agreed to withdraw their motion and second.

Commissioner Harcharek then moved to adopt the written statement of decision regarding Dillingham's petition for annexation as presented at the meeting today, with the condition that the department insert the final legal description for the expanded boundaries of the city and mail the decision no later than December 30, 2016. Commissioner Harrington seconded the motion. A discussion followed. Staff provided information on the metes and bounds progress.

Mary Lynn Macsalka clarified the matter of missing information in the draft statement needing to be clarified: specifically whether 3 AAC 110.130(c)(1) which asks whether a city is on a scale suitable for city government was met and (2) whether the expanded boundaries only include territory comprising an existing local community plus reasonably predictable growth and development in the next ten years. Discussion followed and the commission found that both standards had indeed been met. The chair called for a brief recess to allow staff to insert new text with the clarifications.

After a recess, LBC staff Eileen Collins read the new text into the record: "The commission found that the proposed expanded boundaries of the city as amended by the commission on a scale suitable for city government because the boundaries allow the city to exercise local control over the territory and to maximize local self-government. Additionally, the commission found that the expanded boundaries of the city, as amended, comprise an existing local community plus reasonably predictable growth and development in the next ten years. The chair polled the commissioners, and four commissioners concurred that the standards in 3 AAC 110.130(c) have been satisfied."

Commissioner Wilson moved to amend the motion on the floor to include the text that Eileen Collins read to the commission. Commissioner Harrington seconded the motion. The chair called for a vote on the amendment. Brent Williams called the roll and all five commissioners voted in favor.

Commissioner Wilson called for the commission and the chair agreed to call for a vote on the amended motion to approve the written decision on Dillingham. Brent Williams called the roll and Commissioner Harrington voted against the motion. Chair Chrystal and Commissioners Hargraves, Harcharek and Wilson voted in favor and the decision on the City of Dillingham petition as amended was approved.

**4. Other administrative matters**

Staff had brief comments about future meetings.

**5. Comments from commissioners and LBC staff**

Commissioner Harrington offered brief comments.

**6. Adjourn**

The chair called for a motion. Commissioner Wilson moved to adjourn. Commissioner Harrington seconded the motion. Brent Williams called the roll, five commissioners voted in favor, and the meeting adjourned.