



Local Boundary Commission

Statement of Decision

IN THE MATTER OF THE PETITION FOR INCORPORATION OF THE SECOND CLASS CITY OF ADAK

Members

Kevin Waring
Chairperson
At-Large

Kathleen Wasserman
Vice-Chairperson
First Judicial District

Nancy Galstad
Member
Second Judicial District

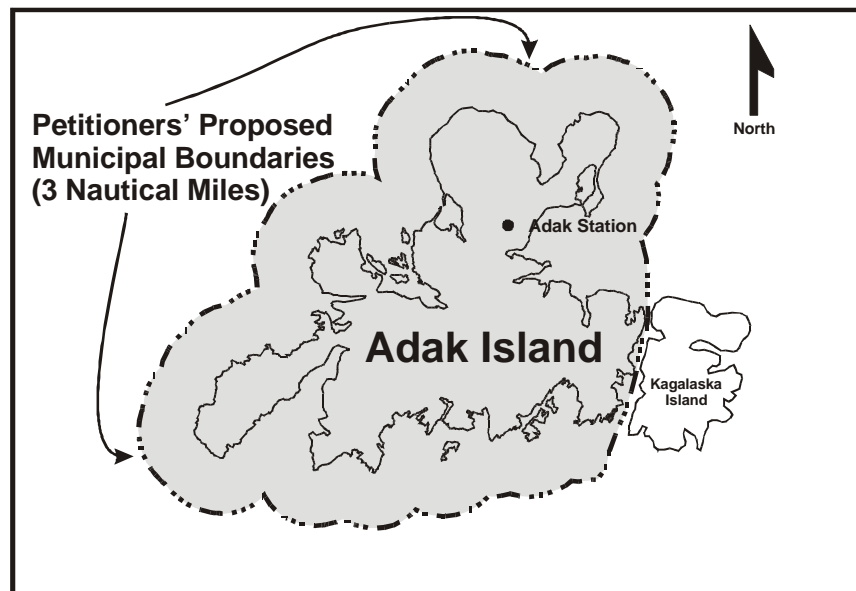
Allan Tesche
Member
Third Judicial District

Ardith Lynch
Member
Fourth Judicial District



SECTION I BACKGROUND AND DESCRIPTION OF AREA

On April 29, 1999, 38 registered voters in Adak, a community of 106 residents, petitioned the State of Alaska Local Boundary Commission (LBC or Commission) to incorporate a second class city. The Petitioners proposed city boundaries encompassing 676.3 square miles, including all of Adak Island and surrounding offshore areas. The petition proposed ballot propositions authorizing the city to levy a 3% sales tax and a 2% fuel transfer tax upon incorporation. The petition also requested that incorporation be contingent upon voter approval of an 'institutional controls ordinance'.



SECTION II SUMMARY OF PROCEEDINGS

On May 10, 1999, LBC staff completed its technical review of the petition in accordance with AS 29.05.070, and accepted the petition for filing.

Pursuant to 3 AAC 110.640, the LBC Chairperson established July 20, 1999, as the deadline for filing responsive briefs and comments regarding the petition,

Notice of Filing Given. Public notice of the filing of the petition was given in accordance with the requirements of 3 AAC 110.450.

Petition Served on Interested Parties. On June 3, 1999, the Petitioners served a copy of the petition on the Aleutians East Borough, the City of Unalaska, the City of Atka, the City of Kodiak, the City of St. George, the City of St. Paul, and the Kodiak Island Borough in accordance with 3 AAC 110.640(a).

Petition Made Available for Public Review. Pursuant to 3 AAC 110.640(b), a copy of the complete petition documents was made available for public review at public display case in the Bob Reeve High School in Adak beginning May 20, 1999.

Timely Brief and Comments. Written comments were submitted by the following parties prior to the July 20, 1999 deadline:

- The Aleut Corporation, (TAC) Ellary Gromoff, Jr. President and CEO (supporting incorporation);
- City of Atka, Julie Dirks, City Administrator (opposing incorporation);
- Atka IRA Council, Mark Snigaroff, President (opposing incorporation);
- A.L. Cozzetti (opposing incorporation).

Responsive Brief Filed. On July 20, 1999 the U.S. Fish and Wildlife Service filed a 9-page responsive brief. Thus, pursuant to 3 AAC 110.480, for purposes of this proceeding, the U.S. Fish and Wildlife Service (U.S.F.W.S) was the sole Respondent.

The U.S.F.W.S. brief stated, in part, that *“The U.S. Fish and Wildlife Service supports establishment of a second class city on Adak Island but objects to the Petitioners' inclusion of the entire island within the proposed boundaries of the City.”* The brief concludes that *“Adak Island is geographically and politically separated from other local governmental bodies in the State. The lack of a political structure to govern the community of Adak may justify the establishment of a second-class city, but it does not justify creating a borough-sized city as proposed for a community which, according to the Petitioners' own estimates, is likely to remain small for the foreseeable future. The proposed petition to incorporate the city of Adak should not be approved as proposed.”*

The U.S.F.W.S brief recommended that *“the Petitioners should redraw their proposed city boundaries to exclude all Refuge lands presently outside the military withdrawal that have been designated as Wilderness.”*

Petitioners' Reply Brief Filed. On August 27, 1999, the Petitioners filed a 30-page reply brief pursuant to 3 AAC 110.490. A copy of the reply brief was served on the U.S.F.W.S. on that date.

DCED Informational Meeting. AS 29.05.080 and 3 AAC 110.520 require DCED to conduct a public informational meeting in the territory proposed for incorporation. DCED staff conducted a public informational meeting on the incorporation proposal at the Bob Reeve School in Adak on January 24, 2000. Notice of the meeting was sent to 83 parties, published twice in the Anchorage Daily News and the Aleutian Solution. Notice was also posted at Adak. The meeting began at approximately 7:00 p.m., and concluded at 8:40 p.m. Thirty-eight persons attended the informational meeting.

DCED Preliminary Report. On February 19, 2000, the DCED Preliminary Report and Recommendation was issued to 87 interested individuals and organizations. Deadline for comment on that report was March 22, 2000.

Comments on Preliminary Report. Letters commenting on the DCED Preliminary Report were received prior to the deadline for submission of such comments from the following parties:

- Jennifer Malatesta, Arthur Andersen & Associates (one-page letter dated March 3, 2000);
- State Senator Lyman Hoffman and State Representative Carl Moses (two-page letter dated February 28, 2000);
- Karol Kolehmainen, Aleutians West CRSA (one-page letter dated March 14, 2000);

- Michael A. Adams (four-page letter dated March 12, 2000 and two-page letter dated January 25, 2000);
- Robert Urich, Department of the Navy, (two-page letter, dated March 22, 2000);
- Agafon Krukoff, Jr., Adak Community Council, (twelve-page letter received March 21, 2000).

Final Report. DCED's Final Report and recommendation was issued on March 6, 2000 to 103 individuals and organizations, including the Petitioners' Representative and the U.S.F.W.S.

Notice of LBC Hearing. Notice of the Commission's April 28, 2000 public hearing was published as a two column by six inch display advertisement in the Dutch Harbor Fisherman on March 30, April 6 and April 13, 2000.

The Local Boundary Commission conducted a duly-noticed public hearing regarding Adak city incorporation petition beginning at 6:30 p.m., Aleutian time, April 28, 2000, at the Adak Bob Reeves High School. The Commission heard seven hours of testimony at its public hearing.

Decisional Session. On April 29, 2000, the Commission deliberated for two hours before concluding that several key issues relating to the transition from a former major Naval base to a smaller civilian settlement were unresolved, and that it was premature to render a final decision on the incorporation proposal. The Commission cited several actions by federal agencies, Congress, The Aleut Corporation, and others that were pending at that time. The Commission noted that such pending matters would significantly affect Adak's economic development, land and facility ownership, and the viability of the proposed city.

The Commission voted to keep the petition record open until August 29, 2000 with the expectation that sufficient information would be available by that date to render a decision on the city incorporation proposal. Commission members referenced 21 documents, studies, and actions that were expected to be concluded during that four-month period.

Notice of the extension of the record was published in the Anchorage Daily News on May 9, 2000. A press release regarding the extension of the record was sent to eleven media outlets, including statewide, local and regional print and publication media. Individual notice of the extension of the record was mailed to interested parties, including appropriate representatives of the U.S. Navy, the U.S.F.W.S, the Alaska Department of Environmental Conservation, and the Adak Reuse Authority.

DCED Supplemental Report Issued. On September 27, 2000, DCED issued a supplementary report that addressed information provided in the Petitioners' August 29, 2000 submission and other developments relating to Adak city incorporation that had occurred since the Commission's public hearing in Adak. The 27-page report reaffirmed the conclusions and recommendations that the petition be amended and approved as set forth in the Department's final report.

Notice of Reconvening of Decisional Session Given. The Chairman of the Commission scheduled a meeting for 9:00 a.m., October 19, 2000 to reconvene the Commission's recessed meeting of April 29, 2000. Notice of the October 19 meeting was published as a classified advertisement in the Anchorage Daily News. Notice of the meeting was sent to 61 interested parties, including the Petitioners' Representative and the Respondent U.S. Fish and Wildlife Service. The notice of the October 19 meeting was posted in three public and prominent places at Adak and published in the Alaska Administrative Journal.

Decisional Session Reconvened. At 9:00 a.m., October 19, 2000, the Commission reconvened its meeting recessed on April 29, 2000. Commissioners Waring, Lynch, and Tesche were present at the DCED conference room in Anchorage. Representatives of the Petitioners and Respondent were also present at the Anchorage meeting site. Commissioners Galstad and Wasserman participated via teleconference from Kotzebue and Pelican, respectively. Assistant Attorney

General Marjorie Vandor participated via teleconference and interested individuals audited the teleconference from Adak and Unalaska.

SECTION III CONCLUSIONS

Promotion of Maximum Local Self-Government with a Minimum of Local Governmental Units. (Article X, § 1 of Alaska’s constitution)

Article X, § 1 of the Constitution of the State of Alaska states that, “The purpose of this article is to provide for maximum local self-government with a minimum of local government units . . .”.

The Commission noted that Adak is an unincorporated community within the unorganized borough. As such, it has no structure for delivery of certain essential municipal services, including planning, platting, and taxation. This rendered city incorporation consistent with Article X, § 1 of the constitution. If Adak were within the boundaries of an organized borough, the borough could perform such municipal functions. However, since formation of an organized borough in the Aleutians West region appears unlikely under current law in the near future, incorporation of a second class city is the only municipal government option presently available to the residents of Adak. Thus, incorporation of a City of Adak would be most consistent with the provisions of Article X, § 1 of the constitution.

Conclusion

The Commission concludes that incorporation of the City of Adak would be harmonious with the principles of maximum local self-government with a minimum of local governmental units set forth in Article X, § 1 of Alaska’s Constitution.

Inclusion Within the Boundaries of the Proposed City of Adak of All Areas Necessary to Provide the Full Development of Essential City Services on an Efficient and Cost-Effective Basis. [AS 29.05.011(a)(2), 3 AAC 110.040(a)]

AS 29.05.011(a)(2) stipulates that the boundaries of a proposed city must include all areas necessary to provide municipal services on an efficient scale. In addition, 3 AAC 110.040(a) provides that, “In accordance with AS 29.05.011, the boundaries of a proposed city must include all land and water necessary to provide the full development of essential city services on an efficient, cost-effective level.” The petition sought City of Adak boundaries much larger than the boundaries of any other city in Alaska. Further, land use, development patterns, and city services do not provide justification for the proposed boundaries, particularly since the south half of Adak Island is a federally designated wilderness that will not be developed in any case.

Conclusion.

The proposed city boundaries would exceed the area necessary to provide the full development of essential city services on an efficient and cost-effective basis.

Limitation of the Area Proposed for Incorporation to the Present Local Community, Plus Reasonably Predictable Growth, Development and Public Safety Needs During the Decade Following the Effective Date of Incorporation. [3 AAC 110. 040(b)]

3 AAC 110.040(b) stipulates that “The boundaries of the proposed city must include only that territory comprising a present local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the effective date of incorporation of that city.”

The Commission considers the boundaries recommended by DCED, encompassing an estimated 72 square miles, to better satisfy this particular standard for the reasons outlined by DCED in its provisional, final, and supplemental reports. In its deliberations, the Commission considered the Petitioners' assertion that potential exists for development of offshore fishing and processing in areas outside of DCED's recommended boundaries. The Commission considered alternative boundaries encompassing those areas recommended by DCED, plus Expedition Harbor, parts of the Bay of Island, Shagak Bay, and extending farther east than the boundaries proposed by DCED. After deliberating on the matter, however, the Commission determined that even those alternative boundaries exceeded the area necessary to provide essential city services and that the amended city boundaries proposed by staff are ample enough to satisfy the standard. The Commission views City boundaries larger than those proposed by staff as unjustifiable under the standard.

Conclusion. The standard set forth in 3 AAC 110.040(b) is not met by the petition, but is met by the boundaries recommended by DCED.

Inclusion within the Proposed City Boundaries of Entire Geographic Regions or Large Uninhabited Areas Not Justified by the Application of Other Incorporation Standards.
[3 AAC 110.040(c)]

3 AAC 110.040(c) provides that, "The boundaries of the proposed city must not include entire geographical regions or large unpopulated areas, except when such boundaries are justified by the application of the standards in 3 AAC 110.010 - 3 AAC 110.040."

The Commission notes that the boundaries proposed by the petition encompass large uninhabited areas that cannot be justified for inclusion within the proposed city by the application of the other standards for city incorporation. The southern portion of Adak Island is uninhabited and will not be inhabited or developed in the foreseeable future. Thus, the boundaries proposed by the incorporation petition were excessively large.

Conclusion.

The city boundaries proposed by the petitioners do not satisfy the requirements of 3 AAC 110.040(c). However, DCED's recommended boundaries satisfy the standard.

The Economy of the Proposed City Must Include the Human and Financial Resources Necessary to Provide Municipal Services on an Efficient, Cost-effective Level.
[AS 29.05.011(a)(3); 3 AAC 110.020(a)]

AS 29.05.011(a)(3) provides that a community may incorporate as a city only if, "the economy of the community includes the human and financial resources necessary to provide municipal services; in considering the economy of the community, the Local Boundary Commission shall consider property values, economic base, personal income, resource and commercial development, anticipated functions, and the expenses and income of the proposed city, including the ability of the community to generate local revenue." 3 AAC 110.020(a) provides that, "In accordance with AS 29.05.011, the economy of a proposed city must include the human and financial resources necessary to provide essential city services on an efficient, cost-effective level. . . ."

The Commission recognizes that even though uncertainty exists regarding the future of fisheries at Adak, the record demonstrates that Adak's private economy is developing in a manner consistent with a civilian residential community. Even though a substantial public service sector exists in the Adak local economy and the record suggests that Adak could marshal human resources required to sustain a second class city, it is less evident that the community could marshal the financial resources necessary to sustain a city government over the long-term. The Commission considers the Petitioners' anticipated budget for the third fiscal year of operation appeared to be more realistic than the anticipated budgets for the first two years of city operation. The Commission notes that the Petitioners' anticipated city budget is incomplete with respect to addressing costs associated with land

use planning, library, and water and sewer services. Further, the Petitioners' projected budget anticipates that the City of Adak would receive land and facilities at no cost. The Commission notes that the city budget would not be feasible if costs are associated with the transfer of such lands and facilities to the city. If such is the case, the proposed city budget would not be viable and the standard would not be satisfied. However, the Commission is persuaded by the statements of the Petitioners' representatives that it is the intent of the Adak Reuse Corporation to transfer lands and facilities to the City of Adak at no cost.

Conclusion. The economy of the proposed City of Adak includes the human and financial resources necessary to provide municipal services on an efficient, cost-effective level as required under AS 29.05.011(a)(3) and 3 AAC 110.020(a).

The Population of the Community Must Be Large and Stable Enough to Support City Government. [AS 29.05.011(a)(4), 3 AAC 110.030]

AS 29.05.011(a)(4) requires that the population of a community must be stable enough to support city government. 3 AAC 110.030 provides that, in determining whether a community's population is large and stable enough to support city government, the commission will, in its discretion, consider relevant factors, including

- (1) total census enumeration;
- (2) duration of residency;
- (3) historical population patterns;
- (4) seasonal population changes; and
- (5) age distributions.

Although Adak's estimated population of 106 is less numerous than had been the case in recent years, there were probably enough people to support city government, provided that the area within the boundaries was compact. The Commission, however, expressed some reservation about the ability of 106 people to operate the Adak utility infrastructure, but accepted the assurances by the Petitioners' Representatives that federal funding would allow downsizing of the utilities to a scale manageable by the community.

Conclusion. The population of the proposed City of Adak is large and stable enough to support city government.

Demonstrated Need for City Government. [AS 29.05.011(a), 3 AAC 110.010]

AS 29.05.011(a) provides that in order to incorporate a city, a community must demonstrate a reasonable need for city government. In this regard, the commission will, in its discretion, consider relevant factors including

- (1) existing or reasonably anticipated social or economic problems;
- (2) existing or reasonably anticipated health, safety and general welfare problems;
- (3) existing or reasonably anticipated economic development; and
- (4) adequacy of existing services.

The record indicates that residents of Adak required a city government to deliver local services and that a city could better secure grant funding needed to develop Adak's infrastructure. Thus, there appears to be a need for a local government to serve the residents of Adak. Although the proposed city budget implies that the city would provide utility services to the community, the Petitioners subsequently informed the Commission that a private contractor might deliver solid waste collection and disposal services. The Commission recognizes that the electric utility is the largest component of the anticipated budget of the City of Adak. The Commission concludes that, on balance, in spite of a degree of uncertainty regarding the development of the community and service delivery mechanisms relating to the proposed city, a need for city government at Adak is reasonably evident.

Conclusion. The community of Adak exhibits a need for city government.

Local Service Delivery of by an Existing City or Borough. [AS 29.05.021(a), 3 AAC 110.010]

AS 29.05.021(a) provides that a community in the unorganized borough may not incorporate as a city if the services to be provided by the proposed city can be provided by annexation to an existing city. 3 AAC 110.010 provides that a city may not incorporate if essential city services can be provided more efficiently or more effectively by annexation to an existing city.

The Commission notes that it is clearly evident that no existing municipal government could extend essential city services to Adak through annexation.

Conclusion. No existing city or borough can efficiently or effectively provide essential city services to Adak residents.

Determination of Community. [3 AAC 110.920]

3 AAC 110.920 provides that, in determining whether a population comprises a community or social unit, the commission will, in its discretion, consider relevant factors, including whether the people

(1) reside permanently in a close geographical proximity that allows frequent personal contacts and has a population density that is characteristic of neighborhood living;

(2) residing permanently at a location are a discrete and identifiable unit, as indicated by such factors as school enrollment, number of sources of employment, voter registration, precinct boundaries, permanency of dwelling units, and the number of commercial establishments and other service centers.

(b) Absent a specific and persuasive showing to the contrary, the commission will presume that a population does not constitute a community or social unit if

(1) public access to or the right to reside at, the location of the population is restricted;

(2) the population is contiguous or closely adjacent to a community or social unit and is dependent upon that community or social unit for its existence; or

(3) the location of the population is provided by an employer and is occupied as a condition of employment primarily by persons who do not consider the place to be their permanent residence.

The Commission expressed concern that no dwelling units at Adak are owned by individuals. However, it noted that Adak has a small but permanent population and school enrollment consistent with a residential community. Further, the community has multiple employers, active resident voters, and access to the community by the general public is not restricted.

Conclusion. Adak is a community as defined by 3 AAC 110.920.

Transition Plan. [3 AAC 110.900(a) and (c)]

The referenced regulation requires in part:

that a petition for incorporation . . . must include a practical plan in which the municipal government demonstrates its intent and capability to extend essential city or essential borough services into the territory proposed for change in the shortest practicable time after the effective date of the proposed change; and that a petition for a proposed action by the commission must include a practical plan for the transfer and integration of all relevant and appropriate assets and liabilities of an existing borough, city, service area or other entity located in the territory proposed for change. The plan must be prepared in consultation with the officials of each existing borough, city, or service area affected by the change, and must be designed to effect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after the date of the proposed change. The plan must specifically address procedures that ensure that the transfer and integration occurs without loss of value in assets, loss of credit reputation, or a reduced bond rating for liabilities.

The Commission indicated that the unusual nature of the Adak incorporation proposal renders application of the transition standard in this matter somewhat difficult. Several significant questions regarding the future of the community and the proposed city are as yet unsettled. For example, the record is unclear about when certain assets of the Adak Reuse Corporation would be transferred to the new city and uncertainty exists regarding how the costs associated with municipal service delivery will be met by the city. The Commission considers the transition plan to be, at best, marginally acceptable. However, the Commission noted that the supplemental information provided by the Petitioners regarding the anticipated scenario for Adak's transition to an incorporated civilian community is more detailed than the April 2000 submittal. Consequently, even though some of the aspects of the incorporation proposal that were unclear to the Commission in April 2000 remained ambiguous, the Petitioners had made progress toward satisfaction of the standard. Further, the Commission recognizes that the situation regarding Adak's transition to a civilian community remains fluid and that to some degree, any city incorporation involves some element of risk and uncertainty.

Conclusion. The transition plan regarding the transition of the community of Adak to municipal status satisfies the requirements of 3 AAC 110.900(a) and (c).

Statement of Non-Discrimination. [3 AAC 110.910]

3 AAC 110.910 prohibits approval of a petition if the effect of the proposed change denies any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin.

The Commission notes that the record contains no suggestion that civil, political or voting rights of any party would be in any manner diminished if the proposed incorporation of the City of Adak occurs. Incorporation would greatly enhance the voting rights of residents of Adak because incorporation would extend the right to vote in municipal elections and to seek and hold positions on the city council.

Conclusion.

Incorporation of a City of Adak is consistent with the requirement of 3 AAC 110.910. The standard is met.

Best Interest Determination. [AS 29.05.100(a)]

AS 29.05.100(a) provides that if the Commission determines that the incorporation, as amended or conditioned if appropriate, meets applicable standards under the state constitution and commission regulations, meets the standards for incorporation under AS 29.05.011 or 29.05.031, and *is in the best interests of the state*, it may accept the petition. Otherwise it shall reject the petition.

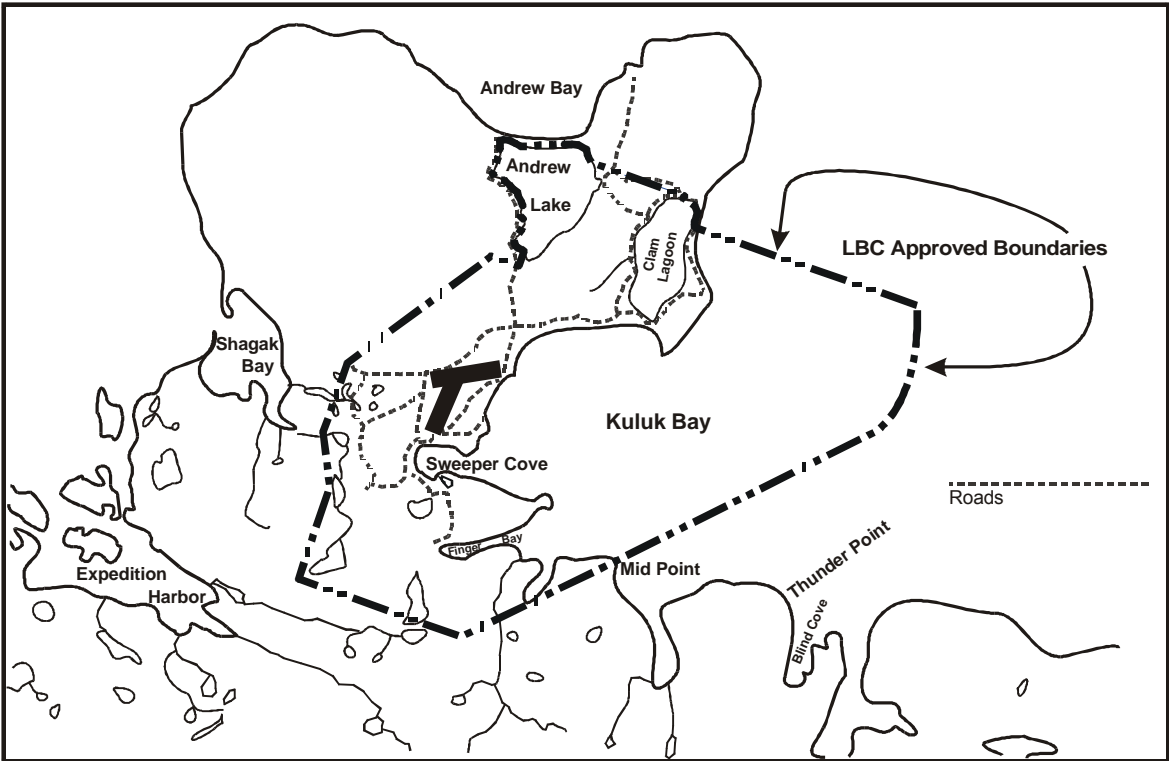
The Commission notes that economic development in rural areas of the State is in the best interests of the State and is a long-standing goal of the State. Local government can be instrumental in facilitating economic development. Furtherance of local self-government is also in the best interests of the State and is also a long-standing goal of State policy. Adak city incorporation would be consistent with both goals.

Conclusion. The best interests of the State of Alaska are advanced by the proposed incorporation of the City of Adak. Thus, the standard is met.

SECTION IV
ORDER OF THE COMMISSION

Based on the preceding conclusions, the Local Boundary Commission determines that:

- to ensure financial viability of the City, incorporation is conditioned upon voter authorization at the incorporation election of the levy of a 3% sales tax by the City of Adak.
- to ensure financial viability of the City, incorporation is conditioned upon voter authorization at the incorporation election of the levy of a 2% fuel transfer tax.
- the petition is amended to remove the provision that incorporation shall be contingent upon voter approval of an institutional controls ordinance, since altered circumstances have rendered such an ordinance no longer mandatory for civilian reuse of Adak.
- The boundaries of the area proposed for city incorporation to encompass an estimated 72 square miles instead of the 676 square miles proposed by the petition. The amended area proposed for incorporation is depicted on the following map and metes and bounds description.



Amended Boundaries

Beginning at the south east corner of Section 36, Township 96 South, Range 195 West, (protracted), Seward Meridian, the TRUE POINT OF BEGINNING
HEREOF;

thence west along the southern boundary of sections 36, 35, 34, and 33 to the quarter corner on the south boundary of Section 33, Township 96 South, Range 195 West;

thence north to the quarter corner on the north boundary of Section 28, Township 96 South, Range 195 West;

thence northwesterly to the northwest corner of Section 21, Township 96 South, Range 195 West;

thence north to the quarter corner on the west boundary of Section 9, Township 96 South, Range 195 West;

thence northeasterly to the quarter corner on the east boundary of Section 27, Township 95 South, Range 195 West;

thence, west along the northern boundary of the southern half of Section 26, Township 95 South, Range 195 West to the ordinary high water mark of Andrew Lake;

thence along the ordinary high water mark northwesterly, northeasterly, and southeasterly to the southern boundary of Section 12, Township 95 South, Range 195 West;

thence east along the southern boundary of Section 12, Township 95 South, Range 195 West, and the southern boundaries of Sections 7 and 8, Township 95 South, Range 194 West to the SE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, Township 95 South, Range 194 West;

thence south to the line of mean high tide of Clam Lagoon;

thence southeasterly along the line of mean high tide to the southern boundary of the north $\frac{1}{2}$ of Section 17, Township 95 South, Range 194 West;

thence east to the 3 mile limit;

thence along the 3 mile limit southerly to a point east of Zeto Point, (a point of land southeast of Clam Lagoon);

thence southwesterly to northern most point of Mid Point, (a point between Thumb Bay and Scabbard Bay);

thence southwesterly to the South East corner of Section 36, Township 96 South, Range 195 West, projected, Seward Meridian, the TRUE POINT OF BEGINNING; Containing 72 square miles more or less.

Approved in writing this 17th day of November, 2000.

LOCAL BOUNDARY COMMISSION

BY: Kathleen Wasserman
Kathleen Wasserman, Vice-Chairperson

Attest:

Dan Bockhorst
Dan Bockhorst, Staff

RECONSIDERATION BY THE COMMISSION

Within 20 days after this decision becomes final under 3 AAC 110.570(g), a person may file a request for reconsideration of the decision. The request must describe in detail the facts and analyses that support the request for reconsideration.

If the Commission has taken no action on a request for reconsideration within 30 days after the decision became final under 3 AAC 110.570(g), the request is automatically denied.

If the Commission grants a request for reconsideration, the petitioner or any respondents opposing the reconsideration will be allotted 10 days from the date the request for reconsideration is granted to file a responsive brief describing in detail the facts and analyses that support or oppose the request for reconsideration.

JUDICIAL APPEAL

A judicial appeal of this decision may also be made under the provisions of the Alaska Rules of Appellate Procedures, Rule 601 et seq. An appeal to the Superior Court must be made within thirty days after the last day on which reconsideration can be ordered.
