



# **Dillingham and Manokotak Annexation Petitions Decisional Meeting Draft Minutes**

**Thursday, December 1, 2016, at 9:00 am  
Atwood Building, 550 W. 7<sup>th</sup> Ave., Suite 1760; Anchorage, AK**

## **ADMINISTRATIVE**

**1. Call to order**

The chair called the meeting to order at 9:08 a.m.

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

A roll call confirmed all five commissioners were present and represented a quorum.

**3. Introduction of commissioners and staff**

Three commissioners were present in person: Commissioners Darroll Hargraves, and Lavell Wilson, and Chair Lynn Chrystal. Two commissioners were present via teleconference:

Commissioners John Harrington, and Bob Harcharek

Staff present in person: Eileen Collins, Brent Williams, Marty McGee, Melissa Taylor (DCRA) and Mary Lynn Macsalka (Dept. of Law)

**4. Identify all parties present**

In person: Jim Brennan (City of Manokotak); Lamar Cotten, (City of Dillingham); Lea Filippi (Southwest Region School District)

Via teleconference: Jim Baldwin (Ekuk, et al.)

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

In person: Andy Varner (City of Sand Point); [others present were not identified on the record]

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

Chair Chrystal said that the commission had been busy for the last three days holding hearings on the two petitions in Dillingham and Manokotak.

## **7. Approve or amend the agenda**

Commissioner Wilson moved to approve the agenda as presented. Commissioner Harcharek seconded the motion. Eileen Collins called the roll, five commissioners voted in favor, and 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. Decision regarding the Manokotak annexation petition**

Commissioner Harcharek moved to approve the Manokotak petition as presented; Commissioner Wilson seconded the motion. A discussion followed the motion and the chair led the commission through the decisional process using the checklist.

Three commissioners voted in favor of the petition: Chair Lynn Chrystal, and Commissioners Robert Harcharek and Darroll Hargraves. Commissioners John Harrington and Lavell Wilson voted against approval. With three votes in the majority for approval, the commission approved the City of Manokotak's annexation petition to annex approximately 155 square miles of land and water.

The meeting took a short recess at this time.

### **3. Decision regarding the Dillingham annexation petition**

The chair led the commission through the decisional process using the checklist. After discussion, the chair called for a vote. Commissioner Harrington moved to approve the Dillingham petition as presented. Commissioner Harcharek seconded the motion.

Commissioner Harrington moved to amend his motion to exclude the area already granted in approval of the City of Manokotak's annexation petition, and that territory on the east side of Nushagak Bay, which was depicted and described in the two exhibits E-30 and E-31 presented by respondents Ekuk, et al., at the public hearing.

The amendment provides for exclusion of the legal offshore fishing distance for set nets and the corresponding Fish and Game statistical areas, which were described during the public hearing and during the decisional meeting. The amendment also excluded the Igushik and

Snake River Sections that were included as part of the City of Manokotak's annexation petition approved by the commission earlier in the decisional meeting.

Commissioner Wilson seconded the motion to amend the motion to approve the annexation. A roll call vote was taken on whether to approve the amendment which excluded the above-noted areas from the territory proposed for annexation. Four commissioners voted yes. Commissioner Hargraves voted no and stated that he supported only part of the amendment and, therefore, had to vote against the motion to amend. After a discussion, a roll call vote on the amended motion to approve the petition was called. All five commissioners voted in favor of approving the City of Dillingham's petition as amended by the commission.

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

Several of the commissioners provided comment regarding the meeting.

**5. Adjourn**

The meeting was adjourned at 1:09 p.m.



## LBC Public Meeting Draft 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.



## LBC Public Meeting Draft Minutes

Tuesday, January 10, 2017, at 10:00 a.m.

Atwood Building, 550 W. 7<sup>th</sup> Ave., Suite 1656; Anchorage, AK

### ADMINISTRATIVE

**1. Call to order**

The chair called the meeting to order at 10:03 a.m.

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

Brent Williams called the roll and after a short wait, all five commissioners were present and represented a quorum.

**3. Introduction of commissioners and staff**

Chair Lynn Chrystal was present in person. Commissioners Bob Harcharek, John Harrington, Darroll Hargraves, and Lavell Wilson were present via teleconference. Staff present: Brent Williams, Eileen Collins, Marty McGee (DCRA), and Mary Lynn Macsalka (Dept. of Law)

**4. Identify all parties present**

In person: Brooks Chandler (Dillingham); Jim Brennan (Manokotak); Lea Filippi (Southwest Region School District)

Via teleconference: Jan Levy and Jim Baldwin (Ekuk, et al.)

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

Via teleconference: Rose Loera (City of Dillingham); Molly Dischner (Bristol Bay Times); John Walsh; Pam Goode, James Squyres (Deltana); Melvin Andrew, Moses Toyukuk (Manokotak)

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

The chair made short remarks regarding the day's meeting.

**7. Approve or amend the agenda**

Commissioner Harrington moved to approve the agenda as presented. Commissioner Wilson seconded the motion. Brent Williams called the roll and five commissioners voted in favor; 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: Whether to grant or deny a request to reconsider the December 27, 2016, Statement of Decision regarding the Dillingham annexation petition.**

Commissioner Harrington moved to grant a request to reconsider the December 27, 2016 Statement of Decision regarding the Dillingham annexation petition. Commissioner Wilson seconded the motion. LBC counsel Mary Lynn Macsalka asked the commission to discussion the grounds for reconsideration.

The outcome of this discussion can be found in the order attached to these minutes.

Commissioner Harrington explained his reasoning briefly.

The chair then called for the parties to speak. Jim Baldwin spoke first followed by Brooks Chandler, Jim Brennan, and Lea Filippi.

The chair called for a vote. Brent Williams called the roll and Commissioners Hargraves, Wilson, and Harrington voted in favor of the motion to grant reconsideration of the decision for the Dillingham annexation petition. Chair Chrystal and Commissioner Harcharek voted against the motion. The motion carried as three voted in favor.

**3. Action item: Whether to grant or deny a request to reconsider the December 20, 2016, Statement of Decision regarding the Manokotak annexation petition.**

Commissioner Harrington moved to grant a request for reconsideration of the decision made December 20, 2016 for the City of Manokotak petition. Commissioner Hargraves seconded the motion. Mary Lynn Macsalka asked for clarification regarding the reasoning for reconsideration. These details are discussed in the order attached to these minutes.

Following commissioner discussion, the chair called for the parties to speak. Jim Baldwin, followed by Jim Brennan, Brooks Chandler, and finally, Lea Filippi provided remarks.

The chair called for a vote. Three commissioners voted in favor when Brent Williams called the roll: Commissioners Hargraves, Harrington, and Wilson. Chair Chrystal and Commissioner Harcharek voted against the motion to grant reconsideration. The motion passed with three votes in favor.

At this time, the meeting took a brief recess in order to determine a briefing schedule for the upcoming reconsideration meetings.

The schedule was tentatively as follows:

Deadline for responsive briefs: January 19, 2017 4:30 p.m.

Decisional Meeting: January 24, 2017 10:00 a.m.

LBC Meeting to approve written decisions: January 25, 2017 3:00 p.m.

**4. Action item: Whether to suspend 3 AAC 110.700(d) for the Nikiski incorporation petition.**

Commissioner Wilson moved to suspend 3 AAC 110.700(d) for the Nikiski incorporation petition. Commissioner Harrington seconded the motion. Staff provided a brief explanation of the regulation in question which requires a member of the public who submits a comment electronically to follow up within 10 days with a paper original. The chair called for a vote.



Brent Williams called the roll and all five commissioners voted in favor of suspension of the regulation. The motion passed.

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

None.

**6. Adjourn**

Commissioner Harrington moved to adjourn. Commissioner Hargraves seconded that motion, and after a unanimous roll call vote, the meeting was adjourned at 11:51 a.m.