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January 6, 2017

Via Electronic Mail and Hand Delivery

Lynn Crystal, Chair
Local Boundary Commission
c/o Brent Williams, Local Government Specialist
State of Alaska
Local Boundary Commission
550 W. 7th Ave., Suite 1640
Anchorage, AK 99501

RE: Ekuk Requests for Reconsideration of Commission Decisions Approving Manokotak and Dillingham Annexation Petitions

Dear Chair Crystal:

On behalf of the City of Dillingham I write to request the Local Boundary Commission act to either order or deny the Ekuk request for reconsideration of the above-referenced decisions no later than January 10, 2017.

There is no reason to wait for the full 18 days after December 27 to pass to act on Ekuk's request to reconsider the Dillingham decision. Dillingham is not going to request reconsideration of either decision. Counsel for Manokotak has informed me Manokotak will not request reconsideration. Counsel for the Southwest Region School District informed me she has not been authorized to request reconsideration. There is no efficiency gained by waiting until after January 10 to act on Ekuk's request.

Dillingham has repeatedly raised throughout these proceedings the concern that various delays authorized by the Commission would prevent submission of an approved annexation decision to the Alaska Legislature by the January 26, 2017 deadline. Dillingham first raised this concern at the time Dillingham's petition was consolidated with the much later filed petition of Manokotak and repeated it several times when Ekuk asked for extensions of previously established deadlines. Nearly every time, the Commission acted to accommodate the desires of the other parties while repeatedly assuring Dillingham the Commission would complete action, including any action required as a result of filing requests for reconsideration, in time to submit an approved annexation petition to the Legislature. Now it is time for the Commission to follow through.

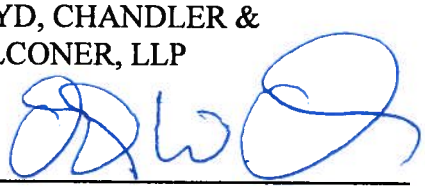
It appears doing so will require the Commission to decide whether to order reconsideration (whether on its own motion or in response to the request filed by Ekuk) no later than January 10. Naturally Dillingham urges reconsideration be denied. The issues raised by Ekuk basically repeat earlier arguments already considered by the Commission. The so-called "procedural" issues Ekuk raise are completely without merit. Nevertheless, should the Commission order reconsideration on January 10, there could still be time to issue a decision on reconsideration in time for submission of approved annexation petitions to the Legislature by January 26.

3 AAC 110.580 (f) provides that if reconsideration is ordered petitioners and respondents have 10 days to file a brief supporting or opposing the decision being reconsidered. The commission then issues a decision on reconsideration "within 90 days". 3 AAC 110.580(g). If the Commission meets to determine whether to order reconsideration on January 10 and for some reason orders reconsideration at that meeting, the parties would have until January 20 to submit briefing on whatever point is being reconsidered. The Commission could then meet on January 23 or 24 and if annexation petitions were again approved the January 26 deadline will not have been lost.

The issues raised in Ekuk's request are either reheated variations of meals previously fed to the Commission (points 2 - 5, 7) or an extremely simple issue about the interplay between Robert's Rules and 3 AAC 110.570. Even if the Commission orders reconsideration, these matters could be heard and decided at a decisional meeting called before the January 26, 2017 deadline. The Commission and staff should do all they can to meet the deadline.

Sincerely,

BOYD, CHANDLER &
FALCONER, LLP

By: 
Brooks W. Chandler

BWC/ms
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