



State of Alaska Local Boundary Commission

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

DRAFT MINUTES FOR LOCAL BOUNDARY COMMISSION PUBLIC MEETING

Wednesday, September 16, 2015 – 9:30 a.m.
Atwood Building, 550 West Seventh Avenue, Room 1620
Anchorage, Alaska 99501

Teleconference number: 1-800-315-6338
Access Code: 94587

ADMINISTRATIVE

1. Call to order

Chair Lynn Chrystal called the meeting to order at 9:36 a.m.

2. Roll call and determination of quorum

LBC staff Brent Williams called the roll and determined that four commissioners, Commissioners John Harrington, Bob Harcharek, Lynn Chrystal, and Darroll Hargraves were present and represented a quorum.

3. Acknowledge guests and staff present

- a. **Originating site (Anchorage)** Present in person were Eileen Collins, Brent Williams (LBC staff); John Nickels, Jed Smith, and Glen Hamburg (Local Government Assistance staff, DCRA); Jim Brennan (Brennan and Heideman); John Sedor (Southwest Region School District).
- b. **Each individual teleconference site**
Present via teleconference were Jim Baldwin (representing City of Clark's Point and Native Villages of Ekuk, Portage Creek, and Clark's Point); Bruce Baltar (Bristol Bay Native Association); Rose Loera, Alice Ruby, Navin Brissram (City of Dillingham); Norm Van Vactor (Bristol Bay Economic Development Corporation); Bryce Edgmon (Alaska Representative for District 37, Dillingham); Barbara Sheinberg (Sheinberg Associates representing the City of Dillingham); Melvin Andrew, Nancy George, Mike Minista (City of Manokotak); Melody Nibeck (Local Government Specialist, DCRA); David Piazza, Steven Noonkesser (Southwest Region School District).

4. Approve or amend agenda

Commissioner Harcharek moved to approve the agenda as presented. Commissioner Harrington seconded the motion. Brent Williams called the roll and the motion passed unanimously.

OLD BUSINESS

1. Approve or amend July 16, 2015 minutes

Commissioner Harrington moved to approve the minutes from July 16, 2015 as presented. Commissioner Harcharek seconded the motion. Brent Williams called the roll and the motion passed unanimously.

NEW BUSINESS

1. Public comment regarding issues not on the agenda or before the commission

None



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2. Consider designating a person as defined by AS 01.10.060 to bring forward a petition for borough incorporation in the Dillingham Census Area

Commissioner Harrington moved that the Local Boundary Commission determine that a petition to incorporate a borough formed with boundaries comparable to those of the Southwest Region School District or the Dillingham Census Area will likely promote the standards established under the Constitution of the State of Alaska, AS 29.04, AS 29.05, AS 29.06, or chapter 3 AAC 110. Filing such a petition is in the best interests of the state because it would give the LBC a fuller array of information and options, given the complex history of petitions to the LBC from this region over the years, the numerous feasibility studies undertaken, and the competing petitions now before the commission. I further move that the Local Boundary Commission designate and direct the Division of Community and Regional Affairs to prepare a petition to incorporate a borough formed with boundaries comparable to the Southwest Region School District or the Dillingham Census Area.

Commissioner Harcharek seconded the motion. Discussion followed. The chair heard comments from John Sedor, Alice Ruby, Jim Baldwin, Jim Brennan and Melvin Andrew. Brent Williams called the roll and the commission voted: Commissioners Harrington and Harcharek in favor; Chair Chrystal and Commissioner Hargraves opposed. With a two-two vote, the motion failed.

3. Consider consolidating any such petition with the City of Dillingham's annexation petition

This agenda item was no longer relevant as the previous motion failed.

4. Request for consolidation of an annexation petition from the City of Manokotak with the City of Dillingham's annexation petition

No action was taken on this agenda item.

5. Consideration of waiving 3 AAC 110.700(d) for comments submitted regarding such petitions

Commissioner Harcharek motioned to waive 3 AAC 110.700(d) for comments submitted to the LBC. Commissioner Harrington seconded the motion. Brent Williams called the roll and the motion passed four votes in favor.

6. Comments from commissioners and LBC staff

Commissioner Hargraves suggested that a message to the Legislature be a topic for the November meeting.

Eileen Collins spoke to clarify an issue.

7. Public comment

The commissioners heard from Jim Brennan, and Alice Ruby.

8. Adjourn

Commissioner Harrington moved to adjourn. The motion was seconded by Commissioner Hargraves. Brent Williams called the roll. The motion passed unanimously and the meeting was adjourned at 10:35 a.m.

Lynn Chrystal, Chair

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



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DRAFT MINUTES FOR LOCAL BOUNDARY COMMISSION PUBLIC MEETING

Friday, September 25, 2015 – 9:30 a.m.
Atwood Building, 550 West Seventh Avenue, Room 1656
Anchorage, Alaska 99501

ADMINISTRATIVE

1. Call to order

Chair Lynn Chrystal called the meeting to order at 9:34 a.m.

2. Roll call and determination of quorum

Brent Williams called the roll. Four commissioners were initially present: Commissioners John Harrington, Bob Harcharek, Lavell Wilson, and Chair Lynn Chrystal. Commissioner Darroll Hargraves arrived at 9:50 a.m.

3. Acknowledge guests and staff present

a. Originating site (Anchorage)

Brent Williams, and Eileen Collins (LBC Staff); Mary Lynn Mascalka (Attorney General's office); Jed Smith, Glen Hamburg, Lynn Kenealy (LGS staff); John Sedor (Southwest Region School District); Jim Brennan (Brennan and Heideman); Ferdinand Sharp; Brooks Chandler (Boyd, Chandler, and Falconer); Jane Angvik; Vic Fischer; Shalome Cederburg (Boards and Commissions);

b. Each individual teleconference site

Melvin Andrew, Moses Toyukak, Mike Minista (City of Manokotak); Adam Berg, Representative Bryce Edgmon (aide and representative for Dillingham area); Norm Van Vactor (Bristol Bay Economic Development Corporation); Molly Dischner (KDLG); Bruce Baltar, David Piazza (SWRSD); Robert Heyano (Ekuk Village Council); Jan Levy (filling in for Jim Baldwin); Alice Ruby (City of Dillingham); Melody Nibeck (LGS staff in Dillingham);

4. Approve agenda

Commissioner Harcharek moved to approve the agenda as presented. Commissioner Harrington seconded the motion. Brent Williams called the roll and the motion passed with four votes in favor and none against.

NEW BUSINESS

1. Public comment concerning items not on the agenda

Brooks Chandler, attorney for the City of Dillingham, was the only one to comment.

2. Whether to postpone proceedings on Dillingham's annexation petition to allow concurrent consideration of Manokotak's annexation petition, for purposes of consolidating the two petitions under 3 AAC 110.430. Both petitions would then proceed on the same schedule.

Commissioner Wilson moved to postpone proceedings on Dillingham's annexation petition to allow concurrent consideration of Manokotak's annexation petition, for purposes of consolidating the two petitions under 3 AAC 110.430. Both petitions would then proceed on the same schedule. Commissioner Harcharek seconded the motion.

With the motion on the table, public comment proceeded. The commission heard comments from the following members of the public:

Lynn Chrystal, Chair
John Harrington, First Judicial District ❖ Robert Harcharek, Second Judicial District
Darroll Hargraves, Third Judicial District ❖ Lavell Wilson, Fourth Judicial District



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Brooks Chandler; Wassillie Gust; Jan Levy; Jane Angvik; Vic Fischer; and Jim Brennan.

Staff then stated their recommendation was approval of the motion.

Commission members asked questions and briefly discussed the issue before calling for a vote. Brent Williams called the roll. All five commissioners voted in favor of the motion and it passed unanimously.

3. Discussion of topics for November LBC meeting

Staff and commissioners discussed details for the upcoming meeting. Comm. Harrington asked if staff could determine between now and then how functional it would be for the LBC to consider borough formation petitions and other things on its own powers. Comm. Harcharek said that the constitution stipulates borough formation throughout the state, and that the Legislature is the assembly for the unorganized borough. He would appreciate insights about how the LBC could stimulate or urge the Legislature to take action on additional borough formations.

4. Comments from commissioners and LBC staff

There were no comments from commissioners or staff.

5. Adjourn

Commissioner Harrington moved to adjourn. Commissioner Harcharek seconded the motion. Brent Williams called the roll and the motion passed unanimously and the meeting was adjourned.



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DRAFT MINUTES FOR LOCAL BOUNDARY COMMISSION (LBC) PUBLIC MEETING

Monday, November 16, 2015 – 8:00 a.m.

Atwood Building, 550 West Seventh Avenue, Room 102, Anchorage, Alaska

Local Boundary Commission Workshop Draft Minutes

8:00 ADMINISTRATIVE MATTERS

- **Call to order**
Chair Lynn Chrystal called the meeting to order.
- **Roll call and determination of quorum**
Brent Williams called the roll. Chair Lynn Chrystal, and Commissioners Bob Harcharek, Lavell Wilson, John Harrington, and Darroll Hargraves were present in Anchorage and represented a quorum.
- **Acknowledge guests and staff present at originating site and each individual teleconference site**
Chair Chrystal acknowledged guests present and on the phone, but did not ask them all to identify themselves.
- **Approve agenda**
The agenda was approved unanimously.
- **Goals and objectives**

NEW BUSINESS

Session One: LBC Petitions and Hearings

There were three presentations given. Eileen Collins led a refresher on local government in Alaska, and overview of the LBC petition process. Brent Williams followed with a presentation on the hearings and decisional meetings.

Session Two: Overview of LBC Powers by Distinguished Guests

Dr. Vic Fischer, 1955 Alaska Constitutional Delegate and former Alaska State Senator, presented on the constitutional authority and framers' intent for the LBC and answered questions afterward.

Gary Wilken, Former Alaska State Senator, spoke via teleconference on disincentives to borough formation and Alaska's Fiscal Situation, and

Clem Tillion, former Alaska State Senator and Representative. spoke about the Mandatory Borough Act and the unorganized borough and took questions afterward.

Lynn Chrystal, Chair

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

The workshop recessed for lunch at noon until 1:00 p.m.

Afternoon Session

Chair Chrystal called the workshop back to order.

Session Three: Successfully Conducting a Hearing

The Honorable Elaine Andrews, the Honorable Kathleen Franklin, and the Honorable Chris Kennedy led a discussion with the five commissioners on a judicial perspective of the LBC practices.

The workshop paused for a short break following the judges' presentation.

Session Four: LBC Petitions and Hearings.

Conducting LBC meetings

Brent Williams gave a presentation on the purpose and responsibilities, and expectations of staff and commission, and also included topics such as agendas, and meeting materials.

Meetings Best Practices

Glen Hamburg's presentation included a discussion of Alaska's Open Meetings Act, and best practices for public comment in meetings, as well as other topics.

Closing Comments From Commissioners and LBC Staff

Adjourn

The meeting was adjourned at 4:30 p.m.



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DRAFT 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 briefed 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