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Local Boundary Commission Staff
550 West Seventh Avenue, Suite 1640
Anchorage, Alaska 99501-3510

Re: Preliminary Report to the Local Boundary Commission regarding the legislative review petitions for annexation to the City of Dillingham and City of Manokotak
Our File No. 1113-0508

Dear Local Boundary Commission Staff:

Southwest Region School District (the District) hereby responds to the Preliminary Report to the Local Boundary Commission issued on June 3, 2016 regarding the pending legislative review petitions for annexation to the City of Dillingham and the City of Manokotak.

The District agrees with the preliminary report's recommendation that the City of Dillingham's petition for annexation be denied. The existing record does not support the preliminary report's analysis under 3 AAC 110.090 of a need for city government in the territory proposed to be annexed by the City of Dillingham. The District disagrees with the preliminary report's conclusion that the health, safety and welfare of the residents of the City of Dillingham is endangered by conditions in the territory proposed for annexation, 3 AAC 110.140(2). The District agrees that the proposed expanded boundaries of the City of Dillingham are not on a scale suitable for city government as required by 3 AAC 110.130(c)(1) and that it would not be in the best interests of the State to grant the pending petition for annexation.

The District cautions, however, that it would likewise not be in the best interests of the State for the Local Boundary Commission to act on its own initiative to recommend incorporation of a borough. Boroughs have never before been created by the Commission acting on its own initiative. Although the State can create borough governments on its own initiative, that last occurred more than 50 years ago when eight boroughs were incorporated by an act of the Legislature.

The Local Boundary Commission's February 2003 report to the Legislature indicated not only that the Commission had never before exercised its implicit constitutional authority under Article X, Section 12 to recommend incorporation of a particular region as a borough but also that the Commission "[could] not conjecture circumstances under which it would exercise such powers in the absence of formal

incorporation or annexation proceedings initiated by a petitioner.”¹ These are not appropriate circumstances for exercising such power.

Although the preliminary report indicates that old studies had found a borough could be feasible, the Western Bristol Bay region was not among those found by the Local Boundary Commission to meet borough incorporation standards in 2003.² The question whether the area is appropriate for borough formation is now being actively explored by a task force working on a regional government study with tribes in a process that includes tribes, cities, school districts and regional organizations to ascertain whether and how a borough might be designed to meet the needs of all of the local communities including Dillingham.

As recognized in the Commission’s 1960 report to the Legislature, the creation of boroughs is fundamentally a political undertaking best achieved either through the legislative processes of enacting a statute or by action of the Commission evaluating the merits of a petition with popular support in the affected area. Southwest Region School District urges the Commission not to impose a borough and to instead leave time and space for the task force to do its work.

Sincerely,

SEDOR, WENDLANDT, EVANS & FILIPPI, LLC



Lea E. Filippi

Counsel for Southwest Region School District

cc by regular US Mail to:

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City Administrator Nancy George, City of Manokotak, Box 170, Manokotak, AK 99628
Mayor Alice Ruby, City of Dillingham, PO Box 889, Dillingham, Alaska 99576
Mayor Melvin Andrew, City of Manokotak, PO Box 170, Manokotak, AK 99628
James L. Baldwin, 227 Harris St., Juneau, AK 99801
Robert Heyano, Native Village of Ekuk, PO Box 530, Dillingham, AK 99576
Betty Gardiner, Clark’s Point Village Council, P.O. Box 110, Clark’s Point, AK 99569
Mayor Joseph Wassily, City of Clark’s Point, P.O. Box 9, Clark’s Point, AK 99569
Mary Ann Johnson, 1327 E. 72nd, Unit B Anchorage, AK 99518
Southwest Region School District

¹ Unorganized Areas of Alaska that Meet Incorporation Standards, A Report by the Alaska Local Boundary Commission to the Alaska Legislature Pursuant to Chapter 53, Session Laws of Alaska 2002, dated February 2003, at page 13.

² Unorganized Areas of Alaska that Meet Incorporation Standards, A Report by the Alaska Local Boundary Commission to the Alaska Legislature Pursuant to Chapter 53, Session Laws of Alaska 2002, dated February 2003.