



LOCAL BOUNDARY COMMISSION

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Draft LBC Meeting Minutes

Tuesday, October 20, 2020, at 10:00 am
via Zoom

1. **Call to order**

Chair Wood called the meeting to order at approximately 10:05 am.

2. **Roll call** - At the request of the Chair, Jedediah Smith called the roll of the commissioners.

Present: John Harrington, Kenneth Gallahorn, Lance Roberts

Absent: Clayton Trotter

3. **Acknowledge staff present:** Rebecca Polizzotto, Robert Pearson, Jedediah Smith

4. **Approve agenda**

Commissioner Harrington moved to approve the agenda as amended (adding supplemental statement from the City of Soldotna regarding petition conversion). Commissioner Roberts seconded the motion. Commissioner Roberts asked whether the supplemental information request from the City of Soldotna is something the commission would approve or not approve. Chair Wood advised that discussion will come later in the agenda.

No objections. Motion to approve the amended agenda passed 4-0

5. **Motion to move into executive session for the purpose of receiving legal advice from Commission counsel.**

Commissioner Roberts moved that the commission recess into executive session for the purpose of receiving legal advice. Commissioner Harrington seconded the motion. The commission recessed into executive session at approximately 10:10 am.

Commission returned from executive session at approximately 11:15 a.m. Commissioner Trotter joined the commission during the executive session and was present for the remainder of the meeting.

6. **Commissioner declaration of ex parte contact**

3 AAC 110.500 prohibits ex parte contact and communication by commissioners with any person other than LBC staff concerning matters pending before the commission. 3 AAC 110.660 allows the commission to suspend the regulation if they find strict adherence to the regulation would not be in the broad public interest.

Larry Wood, Chair, Member-at-Large

John Harrington, First Judicial District ❖ Kenneth Gallahorn, Second Judicial District
Richard "Clayton" Trotter, Third Judicial District ❖ Lance Roberts, Fourth Judicial District

Commissioner Harrington said he had texted with former LBC staff and Ketchikan Borough Manager Dan Bockhorst after the meeting of August 5, 2020. Mr. Bockhorst was called as an expert witness by the petitioner. Harrington said the messages had no bearing on the technical elements of the petition.

Chair Wood ruled the contact was incidental, but in light of these circumstances suggested a motion to relax this regulation prohibiting ex parte contact. Commissioner Gallahorn moved to relax the prohibition of ex parte contact, allowing Commissioner Harrington to continue to participate. Commissioner Trotter seconded the motion. The motion passed 4-0.

No other commissioners had ex parte contacts to declare.

7. Request from the City of Soldotna to provide supplemental statement

On August 30, 2020, LBC staff received a letter from the petitioner requesting the commission suspend 3 AAC 110.500 and 3 AAC 110.570(a)(1), which bar presentation of new evidence, testimony, or briefing at a decisional meeting, and allow the City to address a pending motion to convert its petition from the legislative review method to the local option method in a supplemental statement.

Commissioner Roberts moved to deny the request by the City to present its supplemental statement. His motion died for lack of a second.

Commissioner Harrington moved to accept the City's supplemental statement, provide for an additional five days to receive written comment on this motion from others, and decline any additional verbal testimony. Commissioner Gallahorn seconded this motion.

Commissioner Roberts said the petitioner had already addressed the local option method.

Chair Wood said the request pointed out that of all the members of the public that offered verbal comments at the commission's hearing only two would be eligible to vote on annexation, and those two individuals had expressed support of the petition.

Commissioner Trotter expressed support for the motion.

Commissioner Roberts expressed skepticism of claim that only two members of the public who provided verbal comments would be eligible to vote.

LBC Staff said notice for the additional public comment would be posted to the State's online public notice system, posted to the LBC website, and distributed to the LBC listserv, but not advertised in the newspaper.

Commissioner Gallahorn expressed concern that five days was not enough time for members of the public to reasonably submit comments.

Commissioner Harrington, with the concurrence of Commissioner Gallahorn as second, modified his motion to extend the invitation to comment period to seven days.

Commissioners Wood, Trotter and Harrington vote YEA; Commissioners Roberts and Gallahorn vote NO. Motion passed 3-2.

LBC staff restated the motion on the floor, that is, to approve the City's petition for annexation of territory by the legislative review method. The motion was made by Commissioner Harrington and seconded by Commissioner Gallahorn. It was presented at

the first session of the commission's decisional meeting that took place on August 5, 2021. On that same day, Commissioner Roberts then moved to amend the motion by requiring that the petition be converted from the legislative review method to the local action method. The motion to amend was seconded by Commissioner Trotter.

Commissioner Harrington subsequently moved to amend the motion to amend to allow the City of Soldotna to withdraw its petition if the motion to amend passed converting the petition to the local action method. Commissioner Harrington's motion was seconded by Commissioner Trotter.

At today's meeting, Commissioner Harrington withdrew his motion to amend the motion to amend with the consent of the second, Commissioner Trotter.

8. **RECESS (approximately 12:15 p.m.)**

The meeting stood in recess until Thursday, October 29, 2020, at 10 a.m.

APPROVED: _____

LOCAL BOUNDARY COMMISSION

LARRY WOOD, CHAIR

ATTEST:

JEDEDIAH SMITH, STAFF