



**City of Dillingham  
Responsive Brief on Reconsideration  
Of  
Portions of the May 26, 2011 Decision of the Local Boundary  
Commission Approving Dillingham's Petition to Annex Commercial  
Fishing Waters  
Using the Local Option Method**

**August 1, 2011**

**BOYD, CHANDLER & FALCONER, LLP**

**BY:**

**Brooks W. Chandler  
Attorney for City of Dillingham**

## **I. Introduction**

Dillingham does not believe a need for clarification of the May 26 Commission Decision approving Dillingham’s annexation petition constitutes “a substantial procedural error” or a failure to “address a material issue of fact or a controlling principle of law”,<sup>1</sup> but does not have any substantive objections to the changes mentioned by Commission staff. The changes can make more specific the May 26 Decision (“the Decision”). Dillingham requests the Commission address this matter at its currently scheduled August 17 meeting in Gustavus.

## **II. How Reconsideration Works**

The Local Boundary Commission (LBC) approved the City of Dillingham’s Petition for Annexation on May 24<sup>2</sup>, 2011, when it adopted a 13 page written decision by a vote of 4-0. (Exhibit C, p. 3). LBC regulations provide for an opportunity for a respondent or a petitioner to ask the LBC to change its mind about the Decision it approved for a specifically identified and fairly limited number of reasons. The identified circumstances in which the LBC can change its approved written Decision are:

1. A substantial procedural error occurred in the original proceeding;
2. The original vote was based on fraud or misrepresentation;
3. The Commission failed to address a material issue of fact or a controlling principle of law;

---

<sup>1</sup> 3 AAC 110.580 (e)(1), (3).

<sup>2</sup> The Decision was signed and issued May 26.

4. New evidence not available at the time of the hearing relating to a matter of significant public policy has become known.

3 AAC 110.580 (e).

The process by which the LBC officially decides whether to change its previously approved written Decision involves at least two steps. First the LBC has to decide whether to even think about changing the Decision. This is done by voting on a motion to reconsider. The motion can be filed by a petitioner or a respondent. 3 AAC 110.580 (a). Reconsideration can also be asked for by the Commission on its own motion. 3 AAC 110.580 (e). If the LBC decides to think about changing its mind, an opportunity is provided to one or more of the parties<sup>3</sup> to comment on whether the approved written Decision should be changed. 3 AAC 110.580 (f). After those comments are received, the LBC then proceeds to step two. Step two requires a vote on whether to change the previous written Decision. If the LBC decides to change the previous Decision, specifics regarding how the written Decision is to be changed are incorporated into the Commission's action. This can be done by a very specific motion "I move to delete the second sentence on page 4 and replace it with the following", for example. Alternatively, the Commission could provide direction to Staff without specifically wordsmithing the written Decision, "I move to make it clear that the May 26 decision was the Commission's

---

<sup>3</sup> During the June 24 meeting, staff expressed uncertainty about whether all parties are entitled to submit briefing after the Commission decides to think about changing a previously approved decision. The City believes Ekuk's briefing opportunity has already been provided when it filed its motion to reconsider. Under 3 AAC 110.580 (e), the City then has an opportunity to respond if the Commission grants reconsideration as it has done here. However, the City recognizes that this limitation on Ekuk's opportunity to submit briefing has been "relaxed" by the LBC via motion. June 24, 2011 meeting. Tr. pp. 41-42.

final decision on the petition”, for example. If the latter approach is taken, Staff then prepares the changes to the written Decision which then requires further Commission approval by adopting the Decision as revised.

### **III. Ekuk Motion For Reconsideration**

Respondent Native Village of Ekuk filed a motion to reconsider with the Commission on June 10, 2011. Ekuk’s motion asked the LBC to completely change its mind and deny Dillingham’s annexation petition. Ekuk identified seven reasons for the LBC to change its mind. Two of the seven points were specified as follows:

1. “There may have been a substantial procedural error committed by the Commission in advising the parties of the deadline for an appeal in order to preserve any claims arising out of the decision. It is not made clear in the decision that it is intended to be a final agency decision and whether the appeal deadline is measured from the mailing date of the Decision or some other date in the future . . . The Commission is requested to reconsider its decisional statement and correct it to make it clear that it will be considered a final decision only after the condition has been satisfied.”

2. “There has been a substantial error committed by the Commission in that the statement of decision does not reflect a full and fair rendition of the decision announced during the decisional meeting. . . Based on information and belief, the decisional statement issued on May 26 does not accurately reflect the contentions of respondent made regarding salient issues and what was decided regarding those contentions by the Commission during the meeting . . .

The Commission is requested to reconsider the statement of decision and to accurately and faithfully include all of the major considerations leading to the Decision as required by regulation”.<sup>4</sup>

#### **IV. What the Commission has Agreed to Reconsider**

On June 22, Commission staff issued a report regarding the request. The staff report recommended that the Commission grant reconsideration for the limited purpose of “the addition of the language necessary to clarify the Commission’s decision, with clarification of the intent behind the condition, as well as the addition of a clear final date. LBC staff recommends that the grounds for the reconsideration are under the second part of (3), that the “Commission failed to address . . . a controlling principle of law. The controlling principle of law would be the need for clearly stating that the Decision was final, specifically 3 AAC 110.570(f) (g), 3 AAC 110.580(g), and 3 AAC 110.900(d). 3 AAC 110.130 (c) would also apply”.<sup>5</sup>

The Commission met to consider the Ekuk request for reconsideration on June 24, 2011.

A motion was made by Commissioner Semmens to grant reconsideration:

“I move to reconsider the decision on the Dillingham annexation decision made at the decisional meeting April 26, 2011, to address matters of a controlling principle of law noted by the respondent in points one and two in their request for reconsideration”.

---

<sup>4</sup> Ekuk Motion for Reconsideration pp. 1-3.

<sup>5</sup> Dillingham Annexation Reconsideration Staff Analysis and Recommendations p. 13.

This motion was approved by roll call vote. [June 24, 2011, Transcript p. 37].

Accordingly, the Commission has agreed to think about modifying the Decision to address two issues. These issues are:

1. "It is not made clear in the Decision that it is intended to be a final agency decision"; and
2. "the Statement of Decision does not reflect a full and fair rendition of the decision approved by the decisional meeting."

Ekuk Motion for Reconsideration, pp.1-3.

As indicated above, the Commission's decision to think about changing its decision on these points does not mean the Commission has already decided to change the May 26 Decision. The Commission vote on whether to change the wording of the May 26 written Decision could be made on August 17 during an already-scheduled Commission meeting to be held in Gustavus. (Exhibit A).

## **V. Changing a Written Decision to Make Something More Clear Does not Constitute Valid Grounds for Reconsideration**

To be fair to Ekuk, the proceedings at the April decisional meeting did not squarely address the issue of when the thirty-day limit to appeal from final action of the Commission began to run. There were two possibilities - the date the written Decision reflecting the vote at the April decisional meeting was mailed [May 26], or the date the contemplated report was filed with the LBC by Dillingham. However, the fact that wording is not clear, or that the finality of the May 26 Decision must be inferred from the overall wording of the Decision, does not mean there is a legal error in the Decision sufficient to justify reconsideration. In addition, at

the May 24 meeting which approved the Decision, (with Ekuk's lawyer in attendance by teleconference, Exhibit C, p.1), counsel for the Commission Mr. Johanson stated explicitly that there would not be a "follow up meeting after submittal of the report". Id., p. 3. So Ekuk, through its attendance at the May 24 meeting, had notice that the decision approving the annexation petition was the final action of the LBC.

Moreover, there is no "controlling principle of law" requiring the Commission's Decision to state when the time to file an appeal begins to run. That is why we have regulations. The relevant regulations identified by staff identify that "a decision by the Commission is final on the day that the written statement of decision is mailed, postage prepaid, to the petitioners and the respondents". 3 AAC 110.570(g).

Staff's June 22 analysis states "unfortunately, this regulation was not specified or outlined in the decision and therefore did not clearly communicate the intent of the commission". Staff Analysis and Recommendation p.6. But, there is a considerable difference between "not clearly communicating the intent" and failing to address a "controlling principle of law". There is no "controlling principle of law" which requires Commission decisions to regurgitate 3 AAC 110.570(g) in every decision it makes. This is a very succinct and very clear regulation.

The Decision begins with the heading "**Local Boundary Commission Decision**" on page 1, and ends with a section headed "**Order of the Commission**" on page 12. While Dillingham agrees the Decision could be "clarified", Dillingham also agrees with Commissioners Crystal and

Harachuk<sup>6</sup> that such clarification does not require formal reconsideration. All that is required is communication from the Commission or Staff to all parties. Formal reconsideration is overkill.

Even though Dillingham questions the need to clarify that the Commission's decision was final as of May 26, Dillingham has suggested wording to make this "clarification" in the final section of this responsive brief.

## **VI. The Decision does not Differ from the Statements Made During the April 26<sup>th</sup> and 27<sup>th</sup> Decisional Meeting**

Ekuk claims that the Decision "does not reflect a full and fair rendition of the decision announced during the decisional meeting", does not "contain a discussion of the salient issues considered", "on information and belief"<sup>7</sup> does not accurately reflect the contentions of respondent made regarding salient issues and what was decided regarding those contentions by the commission" and "does not accurately record the nature of the condition as understood by respondent". Ekuk Motion for Reconsideration p.3-4. A comparison of the meeting minutes and the Decision shows Ekuk is mistaken.

The approved minutes state the motion made and approved in April:

Petitioner shall attempt to meet with the cities of Aleknagik, Clark's Point, New Stuyahok, Ekwok, and Manokotak, and New Koliganek Village Council (dba

---

<sup>6</sup> June 22 transcript p. 31 "I personally don't think reconsideration is necessary" [Harachuk], June 22 transcript p. 32: "I tend to agree with Commissioner Harachuk. I'm not sure if we need a reconsideration". [Crystal]

<sup>7</sup> "Information and belief" is lawyer shorthand for "I think this is the case but I am not sure". The reason Ekuk was not sure at the time it filed a motion for reconsideration was that minutes of the April decisional meeting had yet to be prepared or approved by the Commission. Approval of the minutes occurred at the Commission's July 21<sup>st</sup> meeting.

Native Village of Koliganek), and the respondent Native Village of Ekuk regarding post-annexation financial matters affecting such parties due to the annexation; and file a report of the meeting attempts, whether or not held, and meetings held, if any, with the LBC.

April 26, Meeting Minutes p. 8 (emphasis supplied).

Commission members made clear that this amendment to the motion to approve an annexation petition “did not condition the approval of the petition” and this was “confirmed” by the maker of the motion to amend Commission Harcharek. Id. This understanding of the Commission was consistent with the legal advice of the Commission’s lawyer who “opined that the petition is approved, but if the report is not filed by the date specified, then the petition’s approval is void . . . [i]f a report comes in, then tonight’s LBC decision would be final”. Id. Ekuk’s claim that it “understood” approval of annexation would not be “final” until after submission of Dillingham’s report is directly contradicted by the meeting minutes. As outlined above, the Commission definitely was taking final action “subject to” later voiding its approval should Dillingham fail to file the required report. Exhibit B, p.8. Ekuk’s “belief” or “information and belief” is a misunderstanding and does not need to be resolved by changing the wording of the Decision.

## **VII. The Decision Explains All Major Considerations Leading to the Decision**

3 AAC 110.570(f) requires the decision “explain all major considerations leading to the decision”. The written Decision does this in six pages of findings and conclusions, which are organized with specific reference to applicable annexation regulations which were being

interpreted and implemented by the Commission using its expertise and experience in matters pertaining to municipal boundaries. For example, on page 6 the Commission found:

the territory proposed to be annexed is receiving at the present and through the foreseeable future, the benefit of services and facilities provided by the annexing city. . . These services would not be available to the fishery industry within the Nushagak Bay area if it were not for the city providing them.

This was a “major consideration” leading to approval of the petition. Similarly, the Commission found:

If Dillingham cannot financially sustain itself, these other communities will suffer if these services are no longer available or are of diminished quality. As the community, in general, benefits from the proposed annexation, it is reasonable to conclude that the territory is suitable for the reasonably anticipated community purpose of producing additional revenue for the direct and indirect benefit of the Nushagak Bay area communities.

May 26 Decision p. 6.

These are the types of “major considerations” required to be included in a decision. It is not necessary for the Commission to repeat every specific statement made during the decisional meeting by Commissioners in the process of a deliberation after a decision has been finalized and reduced to writing. Discussions by and between Commissioners and Commission Staff is a natural part of the deliberative process, may run off on tangents and are not required to be included in a written decision by 3 AAC 110.570(f).

Accordingly, there is no “controlling principle of law” that requires discussion in an administrative decisional document of every argument raised by each party in an administrative proceeding and the agency’s thoughts on each of the arguments. e.g. Faulk v. Board of

Equalization, 934 P.2d 750, 751 (Alaska 1997), citing, Fields v. Kodiak City Council, 628 P.2d 927, 932 (Alaska 1981) (administrative record must sufficiently explain reasons for agency decision to provide basis for meaningful judicial review). Under the Commission's own regulations, all that is required is for the decision to explain "major considerations leading to the decision" 3 AAC 110.570(f). The Decision meets this requirement. Dillingham agrees with staff that the "detail" Ekuk finds lacking from the Decision is contained in the meeting minutes and is not required to be incorporated into the written Decision.

### **VIII. A Revision of the Decision to Identify the Correct Regulation Which Provided the Legal Basis for the Commission to Alter the Petition is Appropriate**

Ekuk also challenges one specific section of the Decision found on page 9 captioned "Best Interests of the State". Ekuk believes some discussion of the concerns leading to the amendment establishing a requirement that Dillingham attempt to meet with entities from smaller communities should have been included in this section of the Decision. The meeting requirement is discussed in the Decision at page 10, in which requiring Dillingham attempt to meet with identified entities is described as "an attempt by the Local Boundary Commission to allow all communities within the region directly affected by this annexation the opportunity to discuss the financial effects and potential remedies with the petitioner". Moreover, the Commission's order states:

The commission concludes that all of the relevant standards and requirements for annexation of the territory (the Nushagak Bay Commercial Fishing Districts) are satisfied by the City of Dillingham's petition. The commission, however,

believes that the uniqueness of the territory proposed for annexation and the longstanding tribal, cultural and economic relationships that persist in this region demand that additional conversation among the villages, tribal entities, municipalities, and the City of Dillingham be held. These conversations are for the long term benefit of the existing cultural relationships between the City of Dillingham and the communities that surround the Nushagak Bay.

May 26 Decision Section IV, p.12.

The combination of the discussion of the condition in Section IV of the Decision with the discussion on page 10 of the Decision identify the “major considerations” that led the Commission to impose the stated requirement on the City of Dillingham.

Dillingham agrees with Staff that the Commission did not include this requirement as part of the “best interests of the state”, but as part of the Commission’s inherent authority to impose conditions on annexation petitions. The discussion during the decisional meeting by the Commission, although perhaps initially launched during consideration of the “best interests” standards, was ultimately resolved during deliberation on the petition as a whole and with reference to the Commission’s authority under 3 AAC 110.570(c). In fact, this section of the regulations was specifically referenced during the meeting. Exhibit B, p. 6 (“Asst. Attorney General Johansen explained that 3 AAC 110.570(c) allows the Commission to alter or amend the petition”).

Staff feels the referenced regulation on page 10 of the Decision is not the preferred regulation reference for this condition. Instead, staff suggests the condition should be mentioned with reference to 3 AAC 110.570(c), which allows the LBC to impose conditions on annexation petitions. Staff Report p.8. Dillingham agrees that 3 AAC 110.570(c) is a better fit

for this condition. The Commission clearly did not contemplate an actual agreement under 3 AAC 110.900(d), but simply “an opportunity to discuss” concerns related to the impact of annexation on other entities in the region. Dillingham has included suggested language to accomplish this rewording of the May 26 Decision consistent with Staff’s recommendation in the final section of this brief.

### **IX. Even Though Dillingham Questions Whether the Legal Requirements for Reconsideration Have Been Met Dillingham Does not Oppose Limited Modifications to the Commission’s Decision**

The modifications suggested by Staff do improve the quality of the Commission’s May 26 Decision. While Dillingham does not think making a decision “better” meets the legal requirements for reconsideration, Dillingham does not oppose tinkering with the wording of the Decision as suggested by Staff provided this is done without undue delay. Dillingham suggests Staff prepare possible changes in advance of the August 17 meeting for the Commission’s consideration so that a final approved decision can be rendered at the August 17 meeting, instead of at some uncertain date in the future.

The discussion of the mechanics of reconsideration at the June 22 meeting was convoluted; however, it appears that a Commission vote to change even a few sentences of the Decision theoretically might not be implemented for up to 90 days after the Commission completes step 2 of the reconsideration process. 13 AAC 110.580(f) (9); [Tr. June 22, 2011 meeting pp. 17, 19, 22, 28, 34]. Dillingham does not believe a 90 day delay is necessary or

appropriate under the circumstances. The actual topics which the Commission has agreed to think about changing are simple clarifications that LBC staff indicated could be accomplished with a handful of words.<sup>8</sup> There is no need to turn it into a 3 month project. The LBC can and should propose specific changes at the August 17 meeting, and then adopt the May 26 Decision as amended at the August 17 meeting. Then, this matter will be concluded save for submission of Dillingham's report and the Commission can proceed to other pending matters.

Dillingham has already begun the process of attempting to meet with the entities identified by the Commission and is on track to complete this process and file the report by the deadline established in the Decision, hold the local option election and, if annexation is approved, adopt and implement a fish tax ordinance. However, all of these steps take time and the potential for an additional 3 month delay in final approval of the annexation petition causes Dillingham some concern. Any election requires preclearance from the Department of Justice. Adopting a tax ordinance will require a minimum of two (2) months of public process after annexation is approved by the voters, including continuing outreach to non-Dillingham residents impacted by the tax. Once adopted, administrative preparations and communications with tax collectors are required. All of this can be accomplished within the existing schedule which anticipates filing a report in November, holding an election in February, finalizing a tax ordinance by April, and then preparing to administer the tax including outreach to tax collectors

---

<sup>8</sup> See, June 22, 2011 Tr. p. 24 " this would be pretty much the same decision as the Commission issued a month ago except it would differ in two areas to clarify, assuming that's what the Commission votes upon, to clarify one or two areas" "we're talking in my guess two or three paragraphs".

before commercial fishing opens in late June. However, there is not room in this schedule for an additional 3 months of delay. For this reason, Dillingham suggests that if the Commission desires to change the wording of the May 26 Decision on reconsideration, that the specific changes be adopted at the Commission's meeting on August 17 in Gustavus.

## **X. Specific Changes to the May 26 Decision Proposed by Dillingham to Implement Staff Recommendations**

Even though Dillingham questions the need for reworking the Decision, Dillingham recognizes that the changes mentioned by Staff would improve the clarity of the Decision. As indicated above, Dillingham's main concern at this point is to avoid a long delay for a relatively small modification of the written Decision. For this reason Dillingham proposes the following specific changes to the decisional document should the Commission decide to "tweak" the May 26 Decision, and further suggests the changes be made at the August 17 meeting.

1. On page 12 of the Decision directly after the first paragraph replace the sentences, "the Commission conditionally approves the June 14, 2010 petition of the City of Dillingham for the annexation of approximately 396 square miles of water and 3 square miles of land." with the following:

The Commission approves the June 14, 2010 petition of the City of Dillingham for the annexation of approximately 396 square miles of water and 3 square miles of land as altered to include the requirement that the City of Dillingham shall attempt to meet with the cities of Aleknagik, Clark's Point, New Stuyahjok, Ekwok, and Manokotak, and the entities of New Koligtanek Village Council (dba Native Village of Kiliganek) and respondent Native Village of Ekuk regarding post-annexation financial matters

affecting such parties due to the annexation; and file a report of the meeting attempts, whether or not held, and meeting held, if any, with the LBC no later than November 30, 2011.

This constitutes the Commission's final decision after reconsideration on Dillingham's petition for annexation. No further reconsideration may be requested.

2. On page 10 of the Decision, delete the paragraph numbered 4 and replace it with the following:

**4. 3 AAC 110.900(d)**

3 AAC 110.900(d) allows the LBC to condition approval upon executing an agreement for assuming powers, duties, rights, and functions, and for the transfer and integration of assets and liabilities. Since there is no existing municipality in the territory, there is no need to condition approval upon such an agreement.

3. On page 9 of the Decision after the lettered paragraph F insert a new paragraph to read as follows:

**G. 3 AAC 110.570(b). Alteration of Petition**

3 AAC 110.570(b) allows the Commission to alter or attach a condition to a proposed annexation petition and accept the petition as altered or conditioned. The Local Boundary Commission includes a condition to the petition as follows:

Petitioner shall attempt to meet with [the] cities of Aleknagik, Clark's Point, New Stuyahok, and Manokotak, and the entities of New Koliganek Village Council (DBA Native Village of Koliganek) and respondent Native Village of Ekuk regarding post-annexation financial matters affecting such parties due to the annexation[;] and file a report of the meeting attempts, whether or not held, and meetings held, if any, with the LBC by [no later than] 11/30/2011.

The purpose of this requirement is an attempt by the Local Boundary Commission to allow all communities within the region directly affected by this annexation the opportunity to discuss the financial effects and potential remedies with the petitioner. The Commission finds that

providing this opportunity for discussion is in the best interests of the state given the uniqueness of the territory proposed for annexation, and the longstanding tribal, cultural and economic relationships that persist in this region, and that this opportunity is for the long term benefit of the existing cultural relationships between the City of Dillingham and the communities that surround the Nushagak Bay.

The remaining paragraphs of the Decision would be re-lettered accordingly.

## **Conclusion**

Dillingham does not think reconsideration is warranted simply to tinker with the wording of the May 26 Decision. However, Dillingham does not object to changes to the wording of the Decision in the form outlined above. Dillingham requests the specific changes identified above, or similar versions authored by Staff be “on the table” for specific action by the Commission at its already scheduled meeting of August 17.

**State of Alaska  
Local Boundary Commission (LBC)**

**Notice of Public Hearing and Decisional Meeting Regarding the City of  
Gustavus's Annexation Proposal**

The LBC will meet to convene a public hearing under 3 AAC 110.560 regarding the proposal to annex an estimated 16 square miles of land and water to the city of Gustavus. The territories are generally described as the upland area known as "Falls Creek," and as the submerged portion of Icy passage lying between the present city limits and Pleasant Island, known as "Icy Passage." The LBC will also meet to approve minutes, to review or amend the written decision on the Kachemak annexation petition, and to discuss how far a LBC decision should go and to what extent the LBC can impose conditions, and other items. The hearing will follow, and a decisional meeting on the Gustavus petition will follow the hearing. The proceedings will start at:

**Wednesday, August 17, 2011 – 1:00 p.m.  
Gustavus City Hall  
1/8 Mile Parker Road  
Gustavus, AK 99826**

The hearing will follow. The LBC will recess later in the day, and reconvene at city hall at 9:00 am Thursday, August 18. The decisional meeting will follow the hearing.

The hearing agenda and information concerning the hearing, decisional meeting, and other aspects of the annexation proposal may be obtained from:

LBC staff  
550 West Seventh Avenue, Suite 1770  
Anchorage, Alaska 99501-3510  
Brent Williams: (907) 269-4559  
Don Burrell: (907) 269-4587  
Fax: (907) 269-4539  
Email: LBC@alaska.gov

All petition materials are available for public review in Gustavus at the Gustavus City Hall, Gustavus library, U.S. Post office lobby, Glacier Bay National Park headquarters, and the City of Gustavus website. The materials are also available on the LBC website: <http://www.commerce.state.ak.us/dca/lbc/Gustavus.htm>.

Persons interested in receiving future LBC notices by email may subscribe to the LBC notice list service by visiting <http://www.commerce.state.ak.us/dca/lbc/lbcnotices.htm>, clicking on the link to the *LBC Subscription Service*, and following the instructions.

Teleconference sites for the proceedings might be added for the convenience of the public and/or LBC members. Individuals or entities who need one should let LBC staff know by August 9, 2011. Individuals with disabilities who need auxiliary aids, services, or special modifications to participate should contact LBC staff by August 9, 2011.



# State of Alaska Local Boundary Commission

550 West Seventh Avenue, Suite 1770, Anchorage, Alaska 99501, 907-269-4501, Fax 907-269-4539

## STATE OF ALASKA LOCAL BOUNDARY COMMISSION

Minutes of Decisional Meeting, April 26, 11:00 p.m, and April 27th, 2011.  
Dillingham Middle School Gym

1. **Call to order** – Chair Chrystal called the meeting to order (all commissioners being present) and proceeded directly into the standards:

### **3 AAC 110.090(a) Need**

Commissioner Wilson commented that he didn't understand how the water had a reasonable need for city government. He explained that he could see how the city needed the water for taxable reasons. He did not see any additional services being provided to the waters aside from taxation.

Chair Chrystal explained his view of the proposal by explaining that he believed a strong regional hub is extremely important and the water would be part of the city, if annexation did occur. He further explained that the services the city provides are needed by the people on the water. He concluded that he felt there is need.

Commissioner Semmens agreed with Chair Chrystal adding that he believes the users of the territory proposed for annexation are using essential municipal services which are being provided by the city of Dillingham. He further explained that taxation is a municipal service and if annexation is approved, taxation would be an essential municipal service provided by the city. He concluded that the more important issue is that those individuals using the municipal services need those services to function.

### **3 AAC 110.090(b)**

Chair Chrystal read the standard and stated that there is no other municipality or borough that can provide essential municipal services more effective or efficient than the city of Dillingham. Commissioner Harcharek concurred.

Commissioner Semmens explained that even if a theoretical borough was argued, the city of Dillingham already provides these essential municipal services and therefore is the logical choice.

### **3 AAC 110.100 Character**

Chair Chrystal read the standard and asked for any discussion. Hearing none, he proceeded by explaining that the water and the city are compatible in character since Dillingham is a fishing community.

Commissioner Semmens commented that he didn't see how you could separate the bay from the character of the city.

Commissioner Harcharek commented that the bay and the fish are adjacent to the city and compatible in character with the city. He indicated that the fishery is the "life blood" of the city.

### **3 AAC 110.110 Resources**

Chair Chrystal read the standard and commented that resources are the main reason for the annexation proposal.

Asst. Attorney general Erling Johansen pointed out to the chair that the ten factors outlined in the standard 3 AAC 110.110 should also be mentioned and addressed in the commission's decision.

Chair Chrystal read those factors and commented that the city is functioning and doing all the things a city would normally do, underlining that this standard has been met. Commissioners Semmens and Harcharek agreed. Chair Chrystal also commented on federal earmarks and how they will no longer be available to Alaskan communities as they were previously, and the state is minimizing its funding as well in some areas, stressing that there will be a need for more local support of communities throughout the state.

Commissioner Semmens commented on the finances of the city of Dillingham. He commended the city for operating in the black, generating a modest surplus. He explained that the city he works for has a surplus of a year and a half of operating reserves. The city is well run. The city has exercised restraint and that the standard has been met.

Chair Chrystal commented on the city of Valdez's taxation of the oil revenue and how it taxes at a higher mill rate in order to capture the additional revenue for the city, which was explained in comparison to the Dillingham annexation proposal. He stated that capturing the fish tax from those who don't live in here [Nushagak Bay area] is a worthwhile goal if there is some way to mitigate those local fishers that can't afford to pay the tax. He hopes something can be done.

### **3 AAC 110.120 Population**

Chair Chrystal read the standard and explained that he believed the city has sufficient population to handle the territory proposed for annexation.

### **3 AAC 110.130 Boundaries**

Chair Chrystal read the standard.

Commissioner Wilson commented on 3 AAC 110.130(c). He stated the standard does not allow for large, unpopulated territories to be annexed except as justified by state statute which he mentioned does apply to this petition. He further specified that large regions would normally be governed by boroughs, while smaller community territories would be governed by cities. He explained that staff indicated the territory is populated by seasonal residents - boats, fishers, etc, but he considers it unpopulated and does not believe the petition meets this standard.

Commissioner Semmens asked for clarification on the exception to this standard. LBC staff member Brent Williams read and outlined the exception, as requested. Brent explained that the exception allows for the annexation of large, unpopulated areas as long as the petition meets all other standards and the petition is otherwise suitable for city government.

Commissioner Semmens stated that if the petition doesn't meet the other standards, it fails anyway. He further pointed out the question the commissioners have to determine is whether or not the territory is suitable for city government.

Asst. Attorney General Johansen confirmed Commissioner Semmens' point.

Chair Chrystal asked what other cities in the State of Alaska have annexed large bodies of water. Mr. Williams named Togiak, Saint Paul, Pilot Point, and Ketchikan prior to borough formation. He

further explained these bodies of water were annexed to cities, even though they are smaller than the current petition proposes.

Chair Chrystal explained that state residence census figures include seasonal populations as part of many communities' data. He further explained that the City of Valdez counts the tanker population, and is approved by the state to do so, because these individual are residing in the city for an extended period of time and they use their city's services.

Commissioner Harcharek explained that the city of Barrow does count seasonal population as well, and it is approved by the state.

Brent Williams asked if the commission had addressed 3 AAC 110.130(a), (b), (c)(1), or (d).

Chair Chrystal responded that 3 AAC 110.130 (a), (b), and (c)(1) were not directly addressed. He further read 3 AAC 110.130 (d) and stated that he did not believe any of that standard applied to this petition.

Commissioner Semmens concurred. He further stated that he felt that the proposed expanded boundaries do include all the land and water necessary for the development of essential municipal services on a cost effective level. He further stated that annexation of the territory would help provide essential municipal services on a cost efficient, cost effective level.

Chair Chrystal referred to 3 AAC 110.130 (b) and explained that the proposed expanded boundaries are contiguous and do not create enclaves.

### **3 AAC 110.135 Best Interests of State**

Chair Chrystal read the standard.

Commissioner Semmens stated he feels the petition is in the best interests of the state. He further explained that a strong regional hub is necessary for the surrounding communities to prosper. He explained that he did hear the testimony in opposition to the petition, as well as the quote attributed to Jay Hammond regarding municipalities not wanting their revenue swimming away. He believes that the city brought the petition forward to strengthen the regional hub. He stated the city recognizes their role in the bay and their need to the fishermen of the bay. He also stated he believes that the city is being responsible by bringing this petition forward and that area residents use the city. He further stated he believes if the city struggles financially, they will begin to cut services and they will see a deterioration of services provided by the city of Dillingham. This would impact the quality of life for the city residents and the bay's surrounding communities. It is clearly in the best interests of the state for Dillingham to be able to provide essential municipal services.

Commissioner Harcharek stated he finds that of all the criteria of the petition, he finds the best interest of the state to be the most problematic. He agreed with Commissioner Semmens that in one way, the petition is in the best interests of the state. He further explained that he believed the petition should be amended so that the fishers and the surrounding villages should be exempt from the severance tax.

He explained that the financial burden on the fishers and the communities may be too much to bear. He stated that without an amendment, he believed the petition does not meet the best interest of the state because he believes the state wants culturally and economically sustainable communities and this petition, unamended, would affect the surrounding communities' sustainability. He also stated that the city does not provide essential municipal services outside the city limits and he would like to see them extend those services to the residents of the surrounding communities if the residents are to be taxed. He further stated that he intends to offer

an amendment to the petition requiring the City of Dillingham to communicate with and "share" some revenue with the Nushagak Bay surrounding communities pursuant to state laws and regulations. He further explained that the surrounding communities' village fishers would be adversely affected if no revenue sharing or exemption from the fish tax is given to them.

Chair Chrystal expressed his understanding.

Commissioner Harcharek further reiterated that he believes the state wants those villages to be culturally and economically sustainable. He used an example of the school's closing because of out migration of students from the villages that he believes is not in the best interests of the state.

Commissioner Harrington explained that regulations under the best interests of the state are limited to three items, and that the LBC is the representatives of the state who would make sure this standard is met. He further stated that the petition meets all three of this standard's factors. But he concurred with Commissioner Harcharek's point about other aspects specific to this petition being in the best interests of the state need to be taken into account in deliberating on this petition.

Commissioner Wilson disagreed that adding a tax burden to low income residents and the surrounding communities is not in the best interests of the state. He further explained that this would put those individuals in more need of state services. He also stated annexation is not in the best interests of the state because it would lessen the possibility of borough formation. He believed that after annexation, most Dillingham residents would oppose borough formation, particularly the fishermen, because of the additional taxes.

Chair Chrystal expressed his disbelief that there would be a borough formed in that area anytime in the near future.

Commissioner Semmens explained he does not believe this annexation stops borough formation since twenty to thirty years have gone by without the communities expressing interest in borough formation, even with the LBC previously advising the area that a borough was potentially feasible. He also stated that he believes the LBC needs to accept the fact that this area may not want a borough, and he's not convinced this would be the final "nail in the coffin" for borough formation of this area. He explained that if residents feel disenfranchised they do have the right to petition to form a borough. Commissioner Semmens asked staff if a borough can take back territory from a city, if the borough was formed.

Brent Williams responded yes, a borough incorporation petition could take current territory from a city to be included as part of the borough and no longer be part of the city. Staff gave several possible options for borough incorporation that would include current city territory.

Commissioner Semmens explained that there was ample opportunity to form a borough. He further explained that this is another opportunity for borough formation, but he does not know if that will ultimately happen.

Chair Chrystal expressed his concern that the best interests of the state regulation does not cover taxation, and he further explained that he did not believe the LBC had the authority to require any condition that relates to taxes or taxation.

Mr. Williams explained that the three factors under best interests of the state are factors that the commission may consider. He also explained that best interests of the state is statutory, but the commission is not restricted or required to determine those factors specifically are met, only that the statute itself is met.

Commissioner Harrington commented on the fact that most communities with an REAA are predisposed to not creating a borough. He further explained that he would only consider this petition if he did not believe borough formation is feasible in the near future. He further explained that there needs to be some regional way to deal with those issues that are on a regional level.

Commissioner Wilson stated that he did not hear any testimony regarding any burden this annexation would relieve the state of. He asked if this annexation would relieve the state of any burden, and if so, what that burden would be.

Chair Chrystal explained that anytime a city has more revenue, it could potentially provide relief to the state from providing those services otherwise required by the state.

Commissioner Semmens explained that the burden is if Dillingham stopped providing services, then the state would have to step in and provide those services.

Commissioner Harcharek concurred with Commissioner Semmens and explained that there had been talks about the city petitioning the LBC to reclassify as a second class city, leaving the burden of education to be provided by the state.

### **3 AAC 110.900 Transition**

Chair Chrystal read the regulation and asked staff if the transition plan was adequately addressed.

Brent Williams responded that yes, the transition plan was adequate and since there was no existing municipality in the territory, staff believe the transition plan is acceptable.

Chair Chrystal further outlined the additional requirements of the transition plan. Staff responded that all parts of the transition are adequate and acceptable.

### **3 AAC 110.910 Statement of Non-Discrimination**

Chair Chrystal read the regulation and asked the staff if the petition was discriminatory. Staff responded no. Chair Chrystal asked if there were any other items that needed to be discussed by the commission.

### **3 AAC 110.970(c) Determination of Essential Municipal Services**

Mr. Williams responded that the commission may need to address Determination of Essential Municipal Services and explained that essential municipal services had been mentioned previously and may need to be addressed.

Commissioner Semmens explained that he believed the commission had already covered this regulation's factors and that all were adequately answered "yes".

### **3 AAC 110.981 Maximum Local Self-Government**

Chair Chrystal read the regulation.

Commissioner Harcharek responded that the answer is "yes".

### **3 AAC 110.982 Minimum Number of Local Government Units**

Chair Chrystal read the regulation.

Commissioner Harcharek responded "yes."

Commissioner Semmens moved the approval of the petition as presented. Commissioner Harcharek seconded the motion.

Commissioner Harcharek, under discussion, moved to amend the motion as follows, "I would like this petition to be amended when it comes to the taxing of the fish catch that the communities outside of the city of Dillingham properly Nushagak Bay, be exempt, because they have no additional sources of revenue."

Commissioner Wilson seconded the amendment.

Commissioner Harcharek explained the number of fishers is a small percent of the tax base and this is their only source of income.

Commissioner Harrington requested the attorney general's opinion on whether or not the commission had the authority to require such an amendment.

Asst. Attorney General Johansen explained this amendment would have constitutional considerations and the charge of the commission is to deal directly with the petition itself.

Commissioner Harcharek asked if the commission can put a recommendation on the approval of the petition for the city of Dillingham to meet, in advance of any ordinance, to discuss this with any villages and consider their input with regard to any ordinance passed by the city council.

Asst. Attorney General Johansen explained that 3 AAC 110.570(c) allows the commission to alter or amend the petition. He further stated the regulation does not directly address recommendations.

Commissioner Harcharek further asked if the regulation prohibits recommendations.

Asst. Attorney General Johansen explained that the fishery fund has already been established by the city and maybe that would satisfy the commission's concern.

Commissioner Harrington asked if the commission puts a condition on a petition, does that mean that the condition has no effect.

Chair Chrystal asserted that the condition cannot relate to taxes.

Asst. Attorney General Johansen stated that the commission can, by motion, alter or attach a condition to a petition.

Commissioner Harrington asked if that is specifically regarding boundaries and nothing else.

Asst. Attorney General Johansen stated he did not believe the condition or alteration is required to be specifically about boundaries.

Commissioner Harrington responded asking if taxation conditions could be a condition.

Asst. Attorney General Johansen explained that this was not a tax proceeding and that it may not be within the authority of the Local Boundary Commission, further explaining that he did not believe the commission could require city resources be allocated by the commission.

Commissioner Semmens expressed that the city of Dillingham has a vested interest in working with the communities. He explained that this interest includes the fact that local residents of Dillingham that are also members of the Native Village of Ekuk. He stated he would be surprised and disappointed if the city of Dillingham did not seek to work with its own residents. He further believed that other residents would vote "no" if their concerns for other communities, which include many of Dillingham residents' relatives, did not benefit from this annexation. He further explained that he did not believe it is necessary to add a condition. The communities would finally have the opportunity to work together to make this annexation benefit everyone, or the annexation would fail by vote.

Chair Chrystal expressed his concurrence and offered his sentiment for those local fishers that would be affected by this annexation.

LBC staff member, Don Burrell offered an option to postpone the effective date of the approval of the decision with a condition that satisfies both parties and allows for communication between the petition and the surrounding communities.

Chair Chrystal asked counsel if the option presented by staff was feasible.

Asst. Attorney General Johansen referred back to 3 AAC 110.570 and responded that as presented, it would meet the decisional meeting regulation.

Chair Chrystal asked the city when it intended to vote on this annexation. The city responded that it had not set an official date, but anticipated it to be the first Tuesday in October.

Commissioner Harrington asked about the date of the election, pending a condition is placed on the petition's approval.

Staff explained they did not believe that there was a specific amount of time for the election to be held, or that the condition would have to be met prior to the election being held.

Commissioner Semmens asked for a point of order and requested Commissioner Harcharek request a vote, or withdraw the current motion.

Commissioner Harcharek withdrew his motion with the concurrence of the second and restated a new motion. The motion read:

To put a condition on the approval of the petition that the petitioner meet in advance of any action with the affected communities to come up with or to come to agreement on acceptable financial plan which may include the exemption of the fisher communities from the surrounding communities and report back to the LBC when it has been accomplished satisfactorily.

Commissioner Wilson seconded the motion.

Chair Chrystal asked if the motion was clear. He asked Commissioner Harcharek, the maker of the motion, if he wanted to withdraw the motion. Commissioner Harcharek agreed to withdraw the motion. Commissioner Harrington, who second to the motion, concurred. The motion was withdrawn.

The commission recessed for LBC staff to draft a clearer motion.

Chair Chrystal called the meeting back to order and expressed the commission's appreciation for the attendee's manner and respectfulness of the process and commissioners throughout the proceedings.

Chair Chrystal asked for the drafted amendment to the motion to approve the petition as presented.

Commissioner Harcharek read the motion, "Petitioner shall attempt to meet with the cities of Aleknagik, Clark's Point, New Stuyahok, Ekwok, and Manokotak, and New Koliganek Village Council (dba Native Village of Koliganek) and the respondent Native Village of Ekuk regarding post-annexation financial matters affecting such parties due to the annexation[;] and file a report of the meeting attempts, whether or not held, and meetings held, if any, with the LBC by [no later than] 11/15/2011."

The motion was seconded by Commissioner Harrington.

The due date for motion was later changed per both parties' request, to reflect a report due date of November 30, 2011. That was acceptable to the second.

Commissioner Wilson asked what happens when the report is filed. The chair clarified that the condition on the petition is to file a report outlining the above stated motion and the LBC would make a decision at that time. Asst. Attorney General Johansen opined that the petition is approved, but if the report is not filed by the date specified, then the petition's approval is void.

Commissioner Semmens said that you cannot void an attempt, and that the LBC was asking for a good faith attempt for the petitioner to meet with the entities, and a report, and that did not condition the approval of the petition. Commissioner Harcharek confirmed that the LBC would decide on the petition tonight, with one condition, that the petitioner attempt to meet and to send the LBC a report. He said that the LBC was only asking for an attempt to meet.

Brent Williams opined that the LBC would need to meet again to determine if the condition had been met.

Asst. Attorney General Johansen said that the most effective way was to get finality that night. If a report comes in, then tonight's LBC decision would be final.

Comm. Harrington said that he understood that if the amendment and the motion passed, tonight, and a report was filed, then the decision is approved, regardless of the report's content. The chair said yes, but that it did not mean that the LBC could not take further action.

Upon roll call, the vote on the amendment was as follows:

Yes: Commissioners Harrington, Wilson, Semmens, Harcharek, and Chrystal.  
No: None.

Motion carried unanimously.

The motion to approve the petition, as amended was as follows:

Yes: Commissioners Harrington, Wilson, Semmens, Harcharek, and Chrystal.  
No: None.

3. A motion to adjourn the meeting was moved by Harcharek and seconded by Semmens. The commission unanimously voted to adjourn. The meeting was adjourned.

**APPROVED** Thursday, July 21, 2011:

**LOCAL BOUNDARY COMMISSION**

  
\_\_\_\_\_  
LYNN CHRYSTAL, CHAIR

**ATTEST:**

  
\_\_\_\_\_  
BRENT WILLIAMS, STAFF



# State of Alaska Local Boundary Commission

550 West Seventh Avenue, Suite 1770, Anchorage, Alaska 99501, 907-269-4501, Fax 907-269-4539

## STATE OF ALASKA LOCAL BOUNDARY COMMISSION

Minutes of Meeting of May 24, 2011 – 10 a.m.  
550 West 7th Avenue, Suite 1640  
Anchorage, Alaska  
(Originating site of the teleconference)

1. **Call to order** – Chair Chrystal called the meeting to order.
2. **Roll call and determination of quorum** - At the request of the chair, Brent Williams called the roll of the commissioners.

**Present:** John Harrington, Larry Semmens, Bob Harcharek, and Lynn Chrystal, (all attending by teleconference).

**Absent:** Lavell Wilson. Quorum established

3. **Acknowledge guests and staff present** – Brent Williams (LBC staff), Don Burrell (LBC staff), Wanda Ventres (R & R Court Reporting) were present on site in Anchorage. City clerk Kapryce Manchester attended via teleconference from Gustavus, Janice Williams, City Clerk for City of Dillingham, attend via teleconference, and Jim Baldwin from the Native Village of Ekuk attended via teleconference. Assistant Attorney General Erling Johansen was present on site in Anchorage but came in later in the middle of the meeting.
4. **Approve agenda** - Brent Williams recommended that number 7 on the agenda, which is the Dillingham annexation decision, will be put in between number 10 and 11.

Commissioner Harcharek moved to approve the amended agenda and Commissioner Semmens seconded the motion. The agenda was unanimously approved by voice vote.

5. **Comments by members of the public concerning matters that are neither on the agenda nor pending before the commission.**

None.

### NEW BUSINESS

6. **Approve previous LBC meeting minutes** - An amendment for the correction of the misspelling of Chair Lynn Chrystal's name was recommended. Other than that, Commissioner Harcharek moved to approve the previous minutes of April 6 as presented.

Upon roll call, the vote was as follows:

**Yes:** Commissioners Harcharek, Semmens, Harrington, and Chrystal.

**No:** None.

**Motion carried unanimously.**

7. **Request to relax telephonic regulations for City of Kachemak unanimous consent petition** – Brent Williams reminded the commissioners that Kachemak is a unanimous consent annexation petition and therefore it can have a telephone hearing. Chair Chrystal moved to relax telephonic regulations so that two of the commissioners do not need to be present in the Kachemak area for the hearing. Commissioner Harcharek seconded the motion. The chair called for a roll call vote.

Upon roll call, the vote was as follows:

Yes: Commissioners Semmens, Harrington, Harcharek, and Chrystal.  
No: None

Motion carried unanimously.

8. **Request to relax regulation requiring hard copy of comments for Gustavus annexation petition and Petersburg borough incorporation petition** – Commissioner Harcharek made a motion to relax the regulation requiring hard copy of comments for both the Gustavus annexation and the Petersburg borough incorporation petitions. Seconded by Commissioner Harrington.

Commissioner Harcharek made a recommendation that the regulation should be changed since majority of the people think of sending things electronically. Chair Chrystal agreed that the regulation should be changed in the future. Commissioner Harrington also agreed not only to relax the regulation but to make a regulation change.

The chair called for a roll call vote.

Upon roll call, the vote was as follows:

Yes: Commissioner Harrington, Semmens, Harcharek, and Chrystal.  
No: None.

Motion carried unanimously.

9. **Discuss future decisional meetings' content** – The chair reminded the commissioners that the discussion of future decisional meetings' content arose from Mr. Wilson's concern about the way they did it down in Dillingham. The commissioners all agreed that they will wait for Commissioner Wilson.

Mr. Williams clarified that there is a Gustavus decision and hearing on August 16<sup>th</sup> and 17<sup>th</sup>. Chair Chrystal agreed that sometime before the Gustavus meeting that the commission will have another meeting telephonically discussing this issue of future decisional meetings' content. All agreed.

10. **Approve City of Dillingham annexation decision** – Commissioner Semmens moved the approval of the decision. Commissioner Harcharek seconded the motion.

Commissioner Semmens moved to amend by changing the word "would" to "could" on page 9 under 110.135, best interests of the state. Upon roll call, the vote was as follows:

Yes: Commissioners Semmens, Harcharek, Harrington and Chrystal.  
No: None

Motion carried unanimously.

Chair Chrystal commented that he's hoping that everybody agrees with him and that this was done with the hope of having good intentions on everybody's part. Commissioner Harcharek concurred. Assistant Attorney General Erling Johansen made a point of clarification that with the decision as presently amended there would not be a follow up meeting after submittal of the report. Brent Williams asked if this was for the draft that was sent yesterday. Chair Chrystal agreed that it is. Upon roll call, the vote was as follows:

Yes: Commissioners Harrington, Harcharek, Semmens and Chrystal.  
No: None

Motion carried unanimously.

11. **Comments from commissioners and LBC staff** – Brent Williams commented that the Gustavus report was mailed out on Friday, so perhaps people are getting it today.

12. **Adjourn**

**Commissioner Harcharek moved to adjourn and Commissioner Harrington seconded.** The meeting adjourned without objection at 10:40 a.m.

**APPROVED** \_\_\_\_\_, \_\_\_\_\_:

**LOCAL BOUNDARY COMMISSION**

\_\_\_\_\_  
LYNN CHRYSTAL, CHAIR

**ATTEST:**

\_\_\_\_\_  
BRENT WILLIAMS, STAFF

**LOCAL BOUNDARY COMMISSION**

**STATE OF ALASKA**

IN THE MATTER OF PETITION OF THE CITY )  
OF DILLINGHAM FOR ANNEXATION OF )  
NUSHAGAK COMMERCIAL SALMON DISTRICT )  
WATERS AND WOOD RIVER SOCKEYE )  
SALMON HARVEST AREA WATERS, TOGETHER )  
CONSISTING OF APPROXIMATELY 396 )  
SQUARE MILES OF WATER AND 3 SQUARE )  
MILES OF LAND )  
\_\_\_\_\_ )

**AFFIDAVIT OF MAILING**

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

Lynn H. Ford, being first duly sworn upon oath, deposes and states as follows:

1. I am employed as a secretary with the law firm of Boyd, Chandler & Falconer, LLP, attorneys for the City of Dillingham.

2. On August 1, 2011, I sent via electronic mail the City of Dillingham's Responsive Brief on Reconsideration of Portions of the May 26, 2011 Decision of the Local Boundary Commission Approving Dillingham's Petition to Annex Commercial Fishing Waters Using the Local Option Method to the Local Boundary Commission as follows: [brent.williams@alaska.gov](mailto:brent.williams@alaska.gov); and

(1) an original and five copies were hand delivered to:

Brent Williams  
Local Boundary Commission  
Division of Community and Regional Affairs  
Department of Community, Commerce &  
Economic Development  
550 W. 7<sup>th</sup> Avenue, Suite 1770  
Anchorage, AK 99501

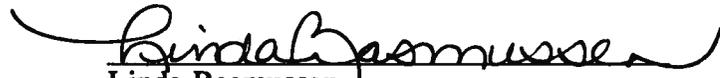
(2) one copy via United States Mail, first-class, postage prepaid to counsel for the Native Village of Ekuk, at:

James L. Baldwin, Esq.  
227 Harris Street  
Juneau, AK 99801

Dated this 1<sup>st</sup> day of August, 2011.

  
Lynn Harris Ford

SUBSCRIBED AND SWORN to before me this 1st day of August, 2011.

  
Linda Rasmussen  
Notary Public in and for Alaska  
My Commission Expires 11/10/14

