



LOCAL BOUNDARY COMMISSION

550 West 7TH Avenue, Suite 1640
Anchorage, Alaska 99501
PHONE: 907-269-4559 / 4587
FAX: 907-269-4563

STATE OF ALASKA LOCAL BOUNDARY COMMISSION

Minutes of Meeting for March 12, 2024 at 10:00 am
Via Zoom

Chair Larry Wood called the meeting to order at 10:07 a.m. Members present were John Harrington, Ely Cyrus, Clay Walker, and Clayton Trotter. Also present were Assistant Attorney General Gene Hickey, and Department Staff Sarah Chambers, Sally Cox, Sandra Moller, Eric Caldwell, and Jedediah Smith. There were several other guests online.

Commissioner Harrington moved to approve the amended agenda to include discussions of two legislative items. Commissioner Walker seconded the motion. The motion carried 5-0.

Commissioner Walker motioned to approve the minutes from the January 19, 2024 meeting. Commissioner Harrington seconded the motion. The motion carried 5-0.

LBC staff Jedediah Smith stated the public comment deadline for the Xunaa Borough petition closed on February 29. Five comments came in after the deadline but were accepted. The department also received respondent briefs, one from the City of Pelican and one from the community of Elfin Cove.

LBC staff also reported receiving a request from the City of Tanana's acting city clerk on February 27 to reclassify from a first class city to a second class city under AS 29.04.045, and procedures specified in the Alaska Administrative Code. As a first class city in the unorganized borough, the City of Tanana is required to operate a school district, and must contribute approximately \$45,971 toward funding its school district. Approximately 26 students attend the Tanana City School. If this request is approved, the Tanana City School District will become part of the Yukon Koyukuk School District, a Regional Education Attendance Area district that receives all of its funding from the state with no required local contribution. The City of Tanana also stated in its request it does not intend to exercise planning, platting and land use authority, deferring that service to the State of Alaska's Department of Natural Resources.

Commissioner Cyrus motioned to approve Tanana's reclassification request. Commissioner Trotter seconded the motion.

No members of the public wished to testify on the reclassification.

The motion to adopt Tanana's reclassification request was approved 5-0.

Assistant Attorney General Hickey said the LBC is still awaiting the Supreme Court's decision on the Soldotna appeal. He also noted the Eaglexit group submitted eight position papers, ranging from recusal of commission members to petition practice before the commission. The commission does

not have jurisdiction to hear these matters since there is not a petition before it. Commissioner Hickey said the Commission can rule on the questions once it has a petition before it either through acceptance of technical review or through appeal.

Chair Wood reported HB 279 proposes to replace the at-large seat on the Local Boundary Commission with a representative from the unorganized borough. The bill passed the House and was introduced in the Senate. Chair Wood asked that before the Commission take up discussion on the legislation, the public be given an opportunity to comment.

James Squyres read an Alaska House Majority press release regarding HB279.

Chair Wood said he testified before the House Community and Regional Affairs committee on his own behalf on February 13 opposing the legislation. Commissioner Walker expressed his concern about the legislation. Commissioner Harrington noted that each member of the commission represents the state as a whole, and the purpose of the judicial district appointments is to ensure geographic distribution, not necessarily that of representing a particular constituency. Commissioner Trotter also shared concerns and said he was not aware of anyone in the unorganized borough being mistreated.

Chair Wood presented a position paper he drafted and offered it to the Local Boundary Commission for discussion.

Commissioner Trotter made a motion to open the floor to discuss Chair Wood's paper. Commissioner Harrington seconded the motion.

Chair Wood summarized the paper saying HB279 is unnecessary legislation because the Governor could appoint all five members of the Commission from the unorganized borough, and that municipal boundaries should be set at the state level so that they may be analyzed objectively. Designating one member of the commission to be from the unorganized borough severely limits the pool of candidates. He said it was his intention, with the Commission's approval, to present the position paper on behalf of the Commission, to the Legislature.

Chair Wood's position paper was adopted by the Commission by a vote of 5-0.

Chair Wood presented a discussion of HB151, which will be heard this week in the House Community and Regional Affairs committee.

LBC staff Jed Smith said HB151 would require the Commission hold two hearings in the Area and to determine whether a majority of residents of voting age support the proposal, prior to submitting a borough incorporation petition to the Legislature.

Commissioner Harrington asked what type of method the Petersburg and Wrangell incorporation petitions were. Both petitions were local action.

Commissioner Cyrus raised questions about how this bill could impact the Commission's ability to do other work, and include the participation of rural communities, where travel could be limited, and that it presents a potential barrier to local government formation or boundary changes.

Assistant Attorney General Hickey said the Commission hasn't had a chance to do a Constitutional analysis of this legislation, and is concerned it sets up an additional requirement for a method already prescribed by the state constitution.

Commissioner Walker made a motion to designate the chair and vice-chair appear before the legislature "to express our concerns with the legislation along the lines of what the Commission has discussed." Commissioner Trotter seconded the motion. The motion carried 5-0.

Chair wood opened public testimony to any non-agenda items. Members of the public are allowed to speak for three minutes.

Michael Tavoliero, of Eagle River, requested a public work session to address any gray procedural areas referenced in eight issue papers submitted to LBC staff on behalf of the Eaglexit group.

James Squyres, resident of the fourth judicial district, said all five of the members of the Local Boundary Commission are residents of an organized borough, and that they might not have the perspective of the issues residents of the unorganized borough face.

George Snodgrass, of Eagle River, said he agreed with the call for a work session to clarify petition pre-submission questions the Eaglexit group has.

Commissioner Walker thanked the members of the public for their comments.

Commissioner Harrington made a motion to adjourn the meeting. Commissioner Walker seconded the motion. The motion carried 5-0

Meeting adjourned at approximately 11:34 a.m.

APPROVED: _____

LOCAL BOUNDARY COMMISSION

LARRY WOOD, CHAIR

ATTEST:

JEDEDIAH SMITH, STAFF