

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)

**CITY OF DILLINGHAM'S OBJECTION TO REQUEST TO SUPPLEMENT
CONSULTATION REPORT**

The City of Dillingham opposes Respondent's request to supplement Dillingham's consultation report for the following reasons:

1. The LBC condition that Dillingham file a report of its efforts to consult was part of the LBC's May 25 decision. That decision did not provide for filing responses to Dillingham's report. If Ekuk had wanted an opportunity to respond to the report Dillingham was required to file this should have been added to the many points Ekuk raised when it requested reconsideration. Since the filing of the report was part of a condition included in an already approved LBC decision this is not a matter of relaxation of Commission procedural rules but of changing a decision after the fact. The only way to have an LBC decision changed consistent with due process is in response to a timely request for reconsideration. Ekuk's November 23 filing does not contain such a request and is too late to be considered.

2. The filing grossly distorts the facts.

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A. Dillingham has not indicated in any action that there are fiscal and cultural issues related to annexation best solved by borough formation. Annexation and borough formation are not mutually exclusive. Dillingham continues to believe annexation will result in a financially more sustainable Dillingham which would mean a stronger borough if one forms in the future.

B. Dillingham has not made any "preliminary commitment" to seek borough formation. In this respect the "supplementation" is a gross misrepresentation. Dillingham has agreed to participate in regional borough formation discussions.

C. No "steps" have been taken toward forming a borough. Ekuk's filing suggests to Dillingham that there is no genuine interest in borough formation. Rather, this is an effort to defeat annexation.

D. The fact Ekuk may have to choose between using resources in support of borough formation and using resources to continue to oppose annexation is irrelevant. If anything this will force Ekuk to be more transparent regarding its true intentions. The concept that a "window of opportunity" has dramatically been opened as the result of one meeting is fantasy. The "window of opportunity" for borough formation has been open for a generation. It will remain open after annexation.

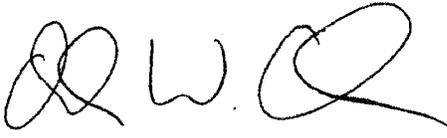
E. Dillingham has not agreed to suspend the annexation election pending Borough formation . Ekuk's statement is an intentional misrepresentation.

F. No community has agreed to contribute a penny towards borough formation. Certainly Ekuk has not made such a commitment. At best phrases like "seek funding" and "our fair share" were uttered at a single meeting without anyone presenting

even a draft written proposal. This single meeting required a concerted effort of Dillingham over a 5 month period . As the various letters attached to Ekuk's submission indicate, the overriding interest expressed is of delaying annexation to "consider" borough formation. This is a far cry from commitment to petition the Commission to form a borough.

DATED this 30th day of November, 2011.

BOYD, CHANDLER & FALCONER, LLP

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