LBC STAFF ANALYSIS OF THE CITY OF DILLINGHAM'S CONSULTATION REPORT

In the April 26 – 27 LBC decisional meeting on the Dillingham annexation petition, the LBC conditionally approved the petition. The condition was that:

> "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 required report's due date was changed to November 30, 2011, per both parties' request.

On October 13, 2011, the LBC approved Respondent's reconsideration request that the decision would be considered final only after the condition was satisfied. The LBC also placed the condition under 3 AAC 110.135.

On November 15[1], LBC staff ("staff" or "we") received an 83 page report from Petitioner City of Dillingham (hereafter "Petitioner" or "Dillingham"). The report includes text, logs, and letters documenting the attempted or made contacts. On October 6, Dillingham held a meeting with many local communities and entities.

According to its report (pp. 5 – 14), Petitioner sent each of the specified entities a certified letter inviting discussion. This was followed by other conversations and letters. Even given the fact that the process partly occurred during the fishing season, the specified entities did not appear to pursue the invitation to discuss (although Robert Heyano of the Native Village of Ekuk was active).

The report was timely filed. We find that Petitioner made many efforts to discuss post-annexation financial matters with the specified entities. The report shows that the petitioner did meet or attempted to meet with the specified entities. We find that Petitioner persisted despite a lack of responses. We find that the petitioner met both the letter and spirit of the condition. The LBC staff finds that the petitioner met the condition.

On a different note, Dillingham mentioned in its report that it was asked to request that the LBC delay the proceedings, in order to encourage borough formation. We feel that borough formation is most likely to occur if the annexation is approved and not delayed.

---

[1] Petitioner states that it emailed the report on November 15, but LBC staff did not get it until the 16th. LBC staff was experiencing computer problems which could have delayed the transmission. It does not matter which of the two days the report arrived because the petitioner had until November 30 to submit the report. It met that deadline by two weeks.

In conclusion, we find that the petitioner met the condition imposed by the LBC, and respectfully suggest that the LBC find that the condition was met, and hence approve the petition.