

ALASKA LEGISLATURE COMMITTEES FILED 1900-1900 00/2

3824 SCRA LOCAL BOUNDARY COMMISSION (FILE 1) 700

ARRIVED

ALASKA PUBLIC OFFICES COMMISSION
610 C Street, Suite 211
Anchorage, AK 99501
(907) 276-4176

APR 11 1984



APOC-ANCH

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4/10-84

1984 STATE OR MUNICIPAL CONFLICT OF INTEREST STATEMENT

PART 1. GENERAL INFORMATION

Reporting Period: January 1, 1983 to December 31, 1983.

Name of Reporting Official: Josephine M. Anderson

Public Office or Position Held, or Candidate for: LOCAL BOUNDARY COMMISSION

Filing or Appointment Date: JAN 31 1981 Term of Office: from 1/81 to 1/85

Resident Address: 204 OCEAN VIEW DR WRANGELL AK 99929
Street City Zip Code

Mailing Address: Box 351 WRANGELL AK 99929
Street City Zip Code

Home Phone: 907-874-3590 Work Phone: 907-874-3935

Family Members of Reporting Official (list names):

Spouse: VERN A Dependent Children: _____

Nondependent Children, Living with Reporting Official: _____

PART 2. CERTIFICATION

I, the undersigned, certify that the information contained in this Statement is, to the best of my knowledge, true, correct and complete. In the absence of a Notary Public or other official authorized to administer an oath, I personally certify under penalty of perjury that the Statement is true. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Josephine M. Anderson April 9 1984 Wrangell Ak.
SIGNATURE DATE LOCATION

Personally, Josephine M. Anderson appeared before me this 9th day of April 1984,

SEAL

Don M. Sullivan
Notary State of Alaska
My Commission Expires May 25, 1987

*The reporting period is the preceding calendar year. A 1984 Statement includes financial information for the reporting period of January - December 1983. The appointed official who takes office in 1984, the candidate who files for office in 1984, or the person who files an annual Statement due April 15, 1984 must report information for January-December 1983.

PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100

Name
(of official, spouse, children)

Source of Income
(show name only; do NOT list amounts)

Salary:

Source:

Josephine
VERN A
VERN A
Josephine
VERN A

State of Alaska Division of Public Ass
SSA
ALB
PFD Permanent Fund Dividend

Rentals: (include business name)

Tenants:

~~N/A~~
Pelecin Shipping Co (Vern)

~~N/A~~
Bar Harbor Seafood

Dividends and Interest:

Source:

~~N/A~~
Josephine & VERN A
VERN A
Josephine

~~N/A~~
Alaska Federal Saving
New York Life Ins.
NBA

Self Employment: (include business name)

Source: (clients, customers, or "retail")

~~N/A~~
~~Pelecin Shipping Co~~
Pelecin Shipping Co is not in
operation any more

~~BAR HARBOR SEAFOODS~~
no clients or customers

Other:

PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTEREST AS AN OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE

| Name (of official, spouse, children) | Nature of Involvement or Interest | Name and Address of Business |
|---|--------------------------------------|--|
| VERN A | PARTNER | RELIANCE SHRIMP CO 663 SHAKES ST BOX 381 WRANGELL AK |
| VERN A | Stockholder | STIKING DEVELOPMENT CORP BOX 351 WRANGELL AK |
| no controll. Interest | | |

PART 5. REAL PROPERTY INTERESTS OWNED, INCLUDING OPTIONS TO BUY

| Name (of official, spouse, children) | Identity of Property, Location and Current Use | Nature of Interest |
|---|--|--------------------|
| VERN A & Josephine | BLOCK 84 LOT 3-D 204 Ocean View Dr WRANGELL AK 99929 (Family Home) | CO-OWNERS |
| VERN A | BLOCK 7A LOT 17 PT 663 SHAKES ST WRANGELL AK 99929 CANNERY BUILDING | PARTNER |

PART 6. BENEFICIAL INTEREST IN TRUSTS OR OTHER FIDUCIARY RELATION

| Name (of official, spouse, children) | Trustor | Assets | Extent of Interest |
|---|---------|--------|--------------------|
| N/A | N/A | N/A | |
| | | | |
| | | | |

(Continue any section on blank paper.)

PART 7. LOANS, LOAN GUARANTEES OR OTHER FINANCIAL OBLIGATIONS OF \$500 OR MORE

Name
(of official, spouse, children)

Identity of Maker of Loan, Loan Guarantor, or Creditor

VERN A

STATE OF ALASKA DIVISION OF VETERANS AFFAIRS

PART 8. CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE OR AN INSTRUMENTALITY OF STATE

Name (of official, spouse, children, parents)

State Contracting Dept. or Instrumentality

Identity of Contract

Indicate: Bid, Held, or Offered

N/A

N/A

N/A

PART 9. LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL OR OTHER NATURAL RESOURCES

Name (of official, spouse, children, parents)

Nature of Lease

Identity of Lease

Indicate: Held or Offered

N/A

N/A

N/A

FORWARD COMPLETED CONFLICT OF INTEREST STATEMENT TO:

STATE OFFICIALS:

MUNICIPAL OFFICIALS:

Alaska Public Offices Commission
610 C Street, Suite 211
Anchorage, AK 99501

Your Local City or Borough Clerk's Office

ARRIVED

PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100
(SEE MANUAL OF INSTRUCTIONS, PAGE 5)

MAY 25 1984

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922-84

| NAME (OFFICIAL, SPOUSE, CHILDREN) | SOURCE OF INCOME (SHOW NAME ONLY; DO NOT LIST AMOUNTS) | CATEGORY (SALARY, RENTALS, DIVIDENDS, ETC.) |
|--------------------------------------|---|--|
| Josephine | State of Alaska ^{Public} Treasury Department | Salary |
| Josephine | Permanent Fund Dividend | Dividend |
| Josephine | National Bank of Alaska | Interest |
| Verna | Social Security | Pension |
| Verna | Alaska Savings | Bonus |
| Verna | Permanent Fund Dividend | Dividend |
| Verna (Pleasant Islands Co) | Beir Harbor Seafood | Rental |
| Verna | New York Life Co | Dividend |
| Josephine & Verna A | Alaska Medical Society | Interest |
| | | |
| | | |

(CONTINUE ON BLANK SHEET IF NECESSARY)

CERTIFICATION OF REPORTING OFFICIAL

I, THE UNDERSIGNED, DECLARE AND CERTIFY THIS AMENDMENT TO MY 1984 CONFLICT OF INTEREST STATEMENT IS, TO THE BEST OF MY KNOWLEDGE, TRUE, CORRECT, AND COMPLETE. IN THE ABSENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER AN OATH, I PERSONALLY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE.*

SIGNED: Josephine M. Anderson
LOCATION SIGNED: Illwaco, OR 97129

DATE: 5/20/84

*UNDER AS 09.63.020(B), A PERSON WHO MAKES A FALSE SWORN CERTIFICATION WHICH HE DOES NOT BELIEVE TO BE TRUE, UNDER PENALTY OF PERJURY, IS GUILTY OF PERJURY.

ARRIVED

ALASKA PUBLIC OFFICES COMMISSION
610 C Street, Suite 211
Anchorage, AK 99501
(907) 276-4176

FEB 10 1984



APOC-ANCH
PM HC
2/8-84

1984 STATE OR MUNICIPAL CONFLICT OF INTEREST STATEMENT

PART 1. GENERAL INFORMATION

Reporting Period: January 1, 1983 to December 31, 1983.*

Name of Reporting Official: Charles B. Bettsworth

Public Office or Position Held, or Candidate for: Local Boundary Commission Member

Filing or Appointment Date: 1978 Term of Office: from _____ to 1/9/85

Resident Address: 7.7 Chena Ridge Fairbanks Ak 99701
Street City Zip Code

Mailing Address: Box 73209 Fairbanks Ak 99707
Street City Zip Code

Home Phone: 479-3517 Work Phone: 457-5780

Family Members of Reporting Official (list names):

Spouse: Betty J. Dependent Children: Amey, Alex Bettsworth
Jolene Necker

Nondependent Children, Living with Reporting Official: Robert S. Bettsworth

PART 2. CERTIFICATION

I, the undersigned, certify that the information contained in this Statement is, to the best of my knowledge, true, correct and complete. In the absence of a Notary Public or other official authorized to administer an oath, I personally certify under penalty of perjury that the Statement is true. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

CB Bettsworth 2/6/84 Fairbanks Ak
SIGNATURE DATE LOCATION

*The reporting period is the preceding calendar year. A 1984 Statement includes financial information for the reporting period of January - December 1983. The appointed official who takes office in 1984, the candidate who files for office in 1984, or the person who files an annual Statement due April 15, 1984 must report information for January-December 1983.

PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100

Name
(of official, spouse, children)

Source of Income
(show name only; do NOT list amounts)

Salary:

Source:

Charles

Charles Bettendorf & Co.

Rentals: (include business name)

Tenants:

Charles & Betty J.

Charles Bettendorf & Co.

Dividends and Interest:

Source:

Self Employment: (include business name)

Source: (clients, customers, or "retail")

Other:

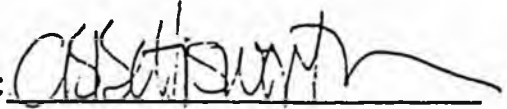
PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100
(SEE MANUAL OF INSTRUCTIONS, PAGE 5)

| NAME (OFFICIAL, SPOUSE, CHILDREN) | SOURCE OF INCOME (SHOW NAME ONLY; DO NOT LIST AMOUNTS) | CATEGORY (SALARY, RENTALS, DIVIDENDS, ETC.) |
|--------------------------------------|---|--|
| <u>Charles</u> | <u>Powerford Offices</u> | <u>rentals (Charles Bettencourt)</u> |
| <u>Charles</u> | <u>Pet Investments</u> | <u>none</u> |
| <u>Charles</u> | <u>Charles Bettencourt & Co.</u> | <u>Salary *</u> |
| | <u>* all clients listed in #8 plus the following</u> | |
| | <u>Fairbanks North Star Borough</u> | |
| | <u>Palmer City School District</u> | |
| | <u>Century Eng'g</u> | |
| | <u>NBBJ Space Planning</u> | |
| | <u>Beck Building Construction</u> | |
| | <u>Fish. Youth Services</u> | <u>University of Alaska</u> |
| | <u>Mike MacFarland</u> | <u>City of North Pole</u> |

(CONTINUE ON BLANK SHEET IF NECESSARY)

CERTIFICATION OF REPORTING OFFICIAL

I, THE UNDERSIGNED, DECLARE AND CERTIFY THIS AMENDMENT TO MY 1984 CONFLICT OF INTEREST STATEMENT IS, TO THE BEST OF MY KNOWLEDGE, TRUE, CORRECT, AND COMPLETE. IN THE ABSENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER AN OATH, I PERSONALLY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE.**

SIGNED: 

DATE: 6/12/84 LOCATION SIGNED: Fairbanks AK

**UNDER AS 09.63.020(B), A PERSON WHO MAKES A FALSE SWORN CERTIFICATION WHICH HE DOES NOT BELIEVE TO BE TRUE, UNDER PENALTY OF PERJURY, IS GUILTY OF PERJURY.

PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTEREST AS A STOCKHOLDER, OWNER, OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE

| Name (of official, spouse, children) | Nature of Involvement or Interest | Name and Address of Business |
|---|--------------------------------------|--|
| <u>Charles</u> | <u>President</u> | <u>Charles Bethsworth & Co.</u> |
| <u>Charles & Betty J.</u> | <u>Partners</u> | <u>Box 73209 Fairbanks Superfront Offices</u> |
| <u>Charles</u> | <u>Partner</u> | <u>212 Front St. Fairbanks. Pet Investment</u> |
| | | |
| | | |

PART 5. REAL PROPERTY INTERESTS OWNED, INCLUDING OPTIONS TO BUY

| Name (of official, spouse, children) | Identity of Property, Location and Current Use | Nature of Interest |
|---|---|--------------------|
| <u>Charles & Betty</u> | <u>7.7 Chena Redai Fairbank - residence</u> | <u>owners</u> |
| <u>Charles & Betty</u> | <u>212 Front St. Fairbanks. office building</u> | <u>owners</u> |
| | | |
| | | |

PART 6. BENEFICIAL INTEREST IN TRUSTS OR OTHER FIDUCIARY RELATION

| Name (of official, spouse, children) | Trustor | Assets | Extent of Interest |
|---|---------|--------|--------------------|
| <u>N/A</u> | | | |
| | | | |
| | | | |

(Continue any section on blank paper.)

PART 7. LOANS, LOAN GUARANTEES OR OTHER FINANCIAL OBLIGATIONS OF \$500 OR MORE

| Name (of official, spouse, children) | Identity of Maker of Loan, Loan Guarantor, or Creditor |
|---|--|
| <i>Charles & Betty</i> | <i>1st Natl Bank residence & office building</i> |
| | |
| | |
| | |

PART 8. CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE OR AN INSTRUMENTALITY OF STATE

| Name (of official, spouse, children, parents) | State Contracting Dept. or Instrumentality | Identity of Contract | Indicate: Bid, Held, or Offered |
|---|--|--|---------------------------------|
| <i>Charles</i> | <i>DOT P F</i> | <i>Ketchikan AAFA</i> | <i>\$250,000.00</i> |
| | | <i>Ketchikan Airways</i> | <i>In registration</i> |
| | | <i>Nome AAFA</i> | <i>\$124,000</i> |
| | | <i>Deadhorse Crank & Access Inc. 110,300</i> | |
| | | <i>Fdds Flight Facility</i> | <i>10 100 00</i> |
| | | <i>Utman/Reber Maint</i> | <i>4100.00</i> |

PART 9. LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL OR OTHER NATURAL RESOURCES

| Name (of official, spouse, children, parents) | Nature of Lease | Identity of Lease | Indicate: Held or Offered |
|---|-----------------|-------------------|---------------------------|
| <i>N/A</i> | | | |
| | | | |
| | | | |
| | | | |
| | | | |

FORWARD COMPLETED CONFLICT OF INTEREST STATEMENT TO:

STATE OFFICIALS:

MUNICIPAL OFFICIALS:

Alaska Public Offices Commission
510 C Street, Suite 211
Anchorage, AK 99501

Your Local City or Borough Clerk's Office

ARRIVED

ALASKA PUBLIC OFFICES COMMISSION
610 C Street, Suite 211
Anchorage, AK 99501
(907) 276-4176

MAY 1 1984

APOC - ANCH

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4/30-84



1984 STATE OR MUNICIPAL CONFLICT OF INTEREST STATEMENT

PART 1. GENERAL INFORMATION

Reporting Period: January 1, 1983 to December 31, 1983.*

Name of Reporting Official: Bert H. Greist

Public Office or Position Held, or Candidate for: Local Boundary Commission

Filing or Appointment Date: _____ Term of Office: from _____ to 84

Resident Address: PO-Box 33, Selawik, Alaska 99770
Street City Zip Code

Mailing Address: 403 Wedgewood Manor #1-5, Fairbanks, Alaska 99701
Street City Zip Code

Home Phone: 452-8802 Work Phone: _____

Family Members of Reporting Official (list names):

Spouse: _____ Dependent Children: ~~Shona~~ Shona Greist

Nondependent Children, Living with Reporting Official: _____

PART 2. CERTIFICATION

I, the undersigned, certify that the information contained in this Statement is, to the best of my knowledge, true, correct and complete. In the absence of a Notary Public or other official authorized to administer an oath, I personally certify under penalty of perjury that the Statement is true. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Bert H. Greist
SIGNATURE

Feb. 9, 1984
DATE

Fairbanks, Ak.
LOCATION

*The reporting period is the preceding calendar year. A 1984 Statement includes financial information for the reporting period of January - December 1983. The appointed official who takes office in 1984, the candidate who files for office in 1984, or the person who files an annual Statement due April 15, 1984 must report information for January-December 1983.

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PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100

Name
(of official, spouse, children)

Source of Income
(show name only; do NOT list amounts)

Salary:

Bert Greist

Source:

Rural Ventures, Inc.

Rentals: (include business name)

Tenants:

Dividends and Interest:

Bert Greist

Source:

Nava Regional Corp., Inc

Self Employment: (include business name)

Source: (clients, customers, or "retail")

none

Other:

none

(Continue any section on blank paper.)

PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTEREST AS A STOCKHOLDER, OWNER, OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE

| Name (of official, spouse, children) | Nature of Involvement or Interest | Name and Address of Business |
|---|--------------------------------------|---------------------------------|
| <u>Bert Greist</u> | <u>Stockholder; Director</u> | <u>NANA Regional Corp.</u> |
| <u>Kotzebue, AK. 99752</u> | | |
| / | / | / |
| / | / | / |
| / | / | / |
| / | / | / |
| / | / | / |

PART 5. REAL PROPERTY INTERESTS OWNED, INCLUDING OPTIONS TO BUY

| Name (of official, spouse, children) | Identity of Property, Location and Current Use | Nature of Interest |
|---|---|--------------------|
| / | / | / |
| / | / | / |
| / | / | / |
| / | / | / |
| / | / | / |
| / | / | / |
| / | / | / |
| / | / | / |

PART 6. BENEFICIAL INTEREST IN TRUSTS OR OTHER FIDUCIARY RELATION

| Name (of official, spouse, children) | Trustor | Assets | Extent of Interest |
|---|---------|--------|--------------------|
| / | / | / | / |
| / | / | / | / |
| / | / | / | / |

(Continue any section on blank paper.)

PART 7. LOANS, LOAN GUARANTEES OR OTHER FINANCIAL OBLIGATIONS OF \$500 OR MORE

Name
(of official, spouse, children)

Identity of Maker of Loan, Loan Guarantor, or Creditor

None

[Handwritten signature]

PART 8. CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE OR AN INSTRUMENTALITY OF STATE

Name (of official, spouse, children, parents)

State Contracting Dept. or Instrumentality

Identity of Contract

Indicate: Bid, Held, or Offered

None

[Handwritten signature]

PART 9. LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL OR OTHER NATURAL RESOURCES

Name (of official, spouse, children, parents)

Nature of Lease

Identity of Lease

Indicate: Held or Offered

None

[Handwritten signature]

FORWARD COMPLETED CONFLICT OF INTEREST STATEMENT TO:

STATE OFFICIALS:

Alaska Public Offices Commission
610 C Street, Suite 211
Anchorage, AK 99501

MUNICIPAL OFFICIALS:

Your Local City or Borough Clerk's Office

ALASKA PUBLIC OFFICES COMMISSION
610 C Street, Suite 211
Anchorage, AK 99501
(907) 276-4176



1984 STATE OR MUNICIPAL CONFLICT OF INTEREST STATEMENT

RECEIVED
JUN 4 1984

PART 1. GENERAL INFORMATION

Reporting Period: January 1, 1983 to December 31, 1983.*

APOC - ANCH
PM HC
5/3/84

Name of Reporting Official: David George Hansen

Public Office or Position Held, or Candidate for: Alaska Local Boundary Commission

Filing or Appointment Date: March 30, 1984 Term of Office: from 1/31/84 to 11/31/88

Resident Address: P.O. Box 37 (Lot 8, BIKID, Old Hope, Twisted) Hope AK 99605
Street City Zip Code

Mailing Address: 1577 C Street Anchorage AK 99501
Street City Zip Code

Home Phone: 272-5390 Work Phone: 276-8827

Family Members of Reporting Official (list names):

Spouse: Sheila Evans Hansen Dependent Children: N.A.

Nondependent Children, Living with Reporting Official: N.A.

PART 2. CERTIFICATION

I, the undersigned, certify that the information contained in this Statement is, to the best of my knowledge, true, correct and complete. In the absence of a Notary Public or other official authorized to administer an oath, I personally certify under penalty of perjury that the Statement is true. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

David G. Hansen
SIGNATURE

5/24/84
DATE

Hope, Alaska, 99605
LOCATION

*The reporting period is the preceding calendar year. A 1984 Statement includes financial information for the reporting period of January - December 1983. The appointed official who takes office in 1984, the candidate who files for office in 1984, or the person who files an annual Statement due April 15, 1984 must report information for January-December 1983.

T.

PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100

Name
(of official, spouse, children)

Source of Income
(show name only; do NOT list amounts)

Salary:

Sheila Evans Hanson

Source:

State of Alaska, Department of
Natural Resources

Rentals: (include business name)

N.A.

Tenants:

Dividends and Interest:

David G and Sheila Evans Hanson

David G. Hanson

David G. Hanson

Source:

National Bank of Alaska

Long Island Lighting Co.

Oppenheimer's Directors Fund

Self Employment: (include business name)

Arktos Associates/ David G. Hanson

Source: (clients, customers, or "retail")

Bristol Bay Native Corp.

NANA Inc.

American Appraisal Co.

Aleut Corporation

Geo Research Inc.

Sheila Evans Hanson, The Law Researcher

Arktos Associates

Other: David G. Hanson

Anchorage Public Transit Board Meeting

Expense Compensation

David G. and Sheila Evans Hanson

Alaska Permanent Fund

PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTEREST AS A STOCKHOLDER, OWNER, OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE

| Name (of official, spouse, children) | Nature of Involvement or Interest | Name and Address of Business |
|---|--------------------------------------|--|
| <u>David G. Hanson</u> | <u>Owner</u> | <u>Arktos Associates</u> <u>1577 C St. Anchorage, AK.</u> <u>99501</u> |
| <u>Sheila Evana Hanson</u> | <u>Owner</u> | <u>The Lone Researches</u> <u>P.O. Box 34, Hope, AK, 99600</u> |
| <u>David G. Hanson</u> | <u>Stock holder</u> | <u>Long Island Lighting Co.</u> <u>New York City, New York</u> |
| <u>David G. Hanson</u> | <u>Stock holder</u> | <u>Kaiser Corporation</u> <u>27400 East 5th St.</u> <u>P.O. Box -387, San Bernardino</u> <u>California, 92402</u> |

PART 5. REAL PROPERTY INTERESTS OWNED, INCLUDING OPTIONS TO BUY

| Name (of official, spouse, children) | Identity of Property, Location and Current Use | Nature of Interest |
|---|--|--------------------|
| <u>David G. Hanson</u> | <u>Lot 8 B/K 10 Old Hope Townsite,</u> <u>Hope, AK. (Permanent Residence)</u> | <u>Owner</u> |
| <u>David G. and Sheila^{Evana} Hanson</u> | <u>Lot 7 B/K 10 Old Hope Townsite</u> <u>Hope, AK. (Permanent Residence)</u> | <u>Co-owners</u> |
| <u>David G. and Sheila^{Evana} Hanson</u> | <u>Lot 9 B/K 10 Old Hope Townsite</u> <u>Hope, AK. (Investment)</u> | <u>Co-owners</u> |
| <u>David G. and Sheila^{Evana} Hanson</u> | <u>2447 Tuacau St. Anchorage,</u> <u>AK. (Temporary Anchorage Residence)</u> | <u>Co-owners</u> |

PART 6. BENEFICIAL INTEREST IN TRUSTS OR OTHER FIDUCIARY RELATION

| Name (of official, spouse, children) | Trustor | Assets | Extent of Interest |
|---|---------|--------|--------------------|
| <u>N.A.</u> | | | |
| | | | |
| | | | |

(Continue any section on blank paper.)

PART 7. LOANS, LOAN GUARANTEES OR OTHER FINANCIAL OBLIGATIONS OF \$500 OR MORE

| Name (of official, spouse, children) | Identity of Maker of Loan, Loan Guarantor, or Creditor |
|---|--|
| <i>David G and Sheila Ferra Hrein</i> | <i>National Bank of Alaska</i> |
| " " | <i>1st National Bank of Alaska</i> |
| " " | <i>state of Alaska (mortgage on land purchases)</i> |

PART 8. CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE OR AN INSTRUMENTALITY OF STATE

| Name (of official, spouse, children, parents) | State Contracting Dept. or Instrumentality | Identity of Contract | Indicate: Bid, Held, or Offered |
|---|--|----------------------|---------------------------------|
| <i>N. A.</i> | | | |
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PART 9. LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL OR OTHER NATURAL RESOURCES

| Name (of official, spouse, children, parents) | Nature of Lease | Identity of Lease | Indicate: Held or Offered |
|---|-----------------|-------------------|---------------------------|
| <i>N. A.</i> | | | |
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FORWARD COMPLETED CONFLICT OF INTEREST STATEMENT TO:

STATE OFFICIALS:

MUNICIPAL OFFICIALS:

Alaska Public Offices Commission
610 C Street, Suite 211
Anchorage, AK 99501

Your Local City or Borough Clerk's Office

Part 4 - Continued

| <u>Name</u> | <u>Nature of Involvement or Interest</u> | <u>Name and Address</u> |
|-----------------|--|--|
| David G. Hanson | Stock holder | Southmark Corp., 1601 L.B. J. Dallas, Texas, 75234 (Sole 12/83) |
| David G. Hanson | Stock holder | Oppenheimer Directors Fund, Inc. Two Broadway, New York, N.Y. 10004 |
| David G. Hanson | Stock holder | Advest Inc., The Advest Bldg. Six Central Row, Hartford, CT. 06103 |
| David G. Hanson | Stock Holder | Lockheed Aircraft Corp. Bucbark, California |

Part 5 - Continued

| <u>Name</u> | <u>Property location/use</u> | <u>Nature of Interest</u> |
|---------------------|--|------------------------------|
| David G. Hanson | Lot 0003, Section 6, T18N., R4W, Second Meridian (Cross Honey Lake) - Use: Recreation | Owner |
| Sheila Evans Hanson | Tracts A, B, and D of Section 23, Tracts B and D, of SW 1/4 NE 1/4 of Section 24 Use - Future agricultural Project | Owner of Agricultural Rights |

ALASKA PUBLIC OFFICES COMMISSION
610 C Street, Suite 211
Anchorage, AK 99501
(907) 276-4176

ARRIVED

DEC 27 1984

DEC 27 1984

ANOH
HC



APOC - ANOH

1984 STATE OR MUNICIPAL CONFLICT OF INTEREST STATEMENT

PART 1. GENERAL INFORMATION

Reporting Period: January 1, 1983 to December 31, 1983.*

Name of Reporting Official: GILLIAN ROSEMARY SMYTHE

Public Office or Position Held, or Candidate for: CHAIRMAN, LOCAL BOUNDARY COMMISSION

Filing or Appointment Date: _____ Term of Office: from _____ to _____

Resident Address: 1044 POTLATCH CIRCLE ANCHORAGE 99503
Street City Zip Code

Mailing Address: SAME AS ABOVE
Street City Zip Code

Home Phone: 279-8872 Work Phone: 276-1456

Family Members of Reporting Official (list names):

Spouse: _____ Dependent Children: _____

Nondependent Children, Living with Reporting Official: _____

PART 2. CERTIFICATION

I, the undersigned, certify that the information contained in this Statement is, to the best of my knowledge, true, correct and complete. In the absence of a Notary Public or other official authorized to administer an oath, I personally certify under penalty of perjury that the Statement is true. By statute, a person who makes a false sworn certification which s/he does not believe to be true is guilty of perjury.

Gillian Smythe
SIGNATURE

12/12/84
DATE

Anchorage
LOCATION

*The reporting period is the preceding calendar year. A 1984 Statement includes financial information for the reporting period of January - December 1983. The appointed official who takes office in 1984, the candidate who files for office in 1984, or the person who files an annual Statement due April 15, 1984 must report information for January-December 1983.

** Moved to 1044 Potlatch Circle, Anchorage 99503 in 1984. 1983 address was 929 Clay Court, Anchorage 99503

PART 3. SOURCES OF INCOME AND CAPITAL GAINS OVER \$100

Name
(of official, spouse, children)

Source of Income
(show name only; do NOT list amounts)

Salary:

Source:

GILLIAN ROSEMARY SMYTHE

ALASKA CONSULTANTS, INC.

Rentals: (include business name)

Tenants:

GILLIAN ROSEMARY SMYTHE

NAMES-UNKNOWN. PROPERTY IS IN NEW ZEALAND
(MANAGED BY MR. DAVID F. GAULT, GAULT,
MITCHELL & WILSON, 38-42 WARING TAYLOR ST.,
WELLINGTON, N.Z.)

Dividends and Interest:

Source:

GILLIAN ROSEMARY SMYTHE

RAINIER BANK ALASKA / ALASKA MUT. BANK - INTEREST
E.F. HUTTON / MERRILL LYNCH -- INTEREST ON DEPOSITS
AND MUNICIPAL BOND INTEREST (NORTH
SLOPE BOROUGH GO BONDS, AHFC TAX-EXEM
BONDS, CITY AND BOROUGH OF SITKA GO BONDS,
SANTA FE UTILITY REVENUE BONDS
MUNICIPAL ASSISTANCE CORP. OF NEW YORK - BEARER BONDS
Source: (clients, customers, or "retail")

Self Employment: (include business name)

Other:

GILLIAN ROSEMARY SMYTHE

STATE OF ALASKA PERMANENT FUND DIVIDEND

(Continue any section on blank paper.)

PART 4. BUSINESS INVOLVEMENT OR OWNERSHIP INTEREST AS A STOCKHOLDER, OWNER, OFFICER, DIRECTOR, PARTNER, PROPRIETOR, OR EMPLOYEE

| Name (of official, spouse, children) | Nature of Involvement or Interest | Name and Address of Business |
|---|--------------------------------------|--|
| GILLIAN ROSEMARY SMYTHE | 1/2 OWNER | ALASKA CONSULTANTS, INC. 137 E. 7TH AVENUE, ANCH. 99501 |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

PART 5. REAL PROPERTY INTERESTS OWNED, INCLUDING OPTIONS TO BUY

| Name (of official, spouse, children) | Identity of Property, Location and Current Use | Nature of Interest |
|---|---|--------------------|
| GILLIAN ROSEMARY SMYTHE | 929 CLAY COURT, ANCH. 99503 (Residence) | OWNER |
| GILLIAN ROSEMARY SMYTHE | COTTLEVILLE TLE, WELLINGTON, N.Z. (Rental) | OWNER |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

ARRIVED

DEC 27 1984

APOC - ANCH
PM HC

PART 6. BENEFICIAL INTEREST IN TRUSTS OR OTHER FIDUCIARY RELATION

| Name (of official, spouse, children) | Trustor | Assets | Extent of Interest |
|---|---------|--------|--------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

(Continue any section on blank paper.)

PART 7. LOANS, LOAN GUARANTEES OR OTHER FINANCIAL OBLIGATIONS OF \$500 OR MORE

| Name (of official, spouse, children) | Identity of Maker of Loan, Loan Guarantor, or Creditor |
|---|--|
| GILLIAN ROSEMARY SMYTHE | ALASKA MUTUAL BANK - HOME LOAN |
| GILLIAN ROSEMARY SMYTHE | RAINIER BANK ALASKA - AUTO LOAN |
| GILLIAN ROSEMARY SMYTHE | { UNITED NORTHERN BUILDING SOCIETY - HOME LOAN (N.Z.) |
| GILLIAN ROSEMARY SMYTHE | CREDIT LINE - CHASE MANHATTAN BANK (NY); CREDIT CARDS - AMERICAN EXPRESS, VISA |

PART 8. CONTRACTS AND OFFERS TO CONTRACT WITH THE STATE OR AN INSTRUMENTALITY OF STATE

| Name (of official, spouse, children, parents) | State Contracting Dept. or Instrumentality | Identity of Contract | Indicate: Bid, Held, or Offered |
|---|--|--|---------------------------------|
| ** ALASKA CONSULTANTS, INC. | NORTH SLOPE BOROUGH | NSB Census NSB CIP, Phase II, FY 83 NSB CIP, Phase II, FY 84 | Held " " |
| | | | |
| | | | |
| | | | |

PART 9. LEASES OR OFFERS TO LEASE MINERAL, TIMBER, OIL OR OTHER NATURAL RESOURCES

| Name (of official, spouse, children, parents) | Nature of Lease | Identity of Lease | Indicate: Held or Offered |
|---|-----------------|-------------------|---------------------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

FORWARD COMPLETED CONFLICT OF INTEREST STATEMENT TO:

STATE OFFICIALS:

Alaska Public Offices Commission
610 C Street, Suite 211
Anchorage, AK 99501

MUNICIPAL OFFICIALS:

Your Local City or Borough Clerk's Office

** In addition to the above, Alaska Consultants, Inc. also did work under subcontract for the Alaska Dept. of Transp. and Pub. Fac., the North Slope Borough and the City of Cordova.

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

- POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

February 15, 1985

The Honorable Edna DeVries
Chairman
Senate Committee on
Community and Regional Affairs
Pouch V
Juneau, Alaska 99811

Dear Senator DeVries:

During the February 5 meeting with the Local Boundary Commission, members of the House and Senate Community and Regional Affairs Committees expressed interest in determining whether this agency supported the Local Boundary Commission's action to approve the annexation of Togiak Bay to the City of Togiak. The answer is yes.

As you are aware, the Department prepared a report and recommendation to the Commission on this matter dated November 15, 1984. Our recommendation contained in that report was for a different action than that taken by the Commission. However, it is important to realize such reports are prepared prior to the Commission having conducted public hearings on these matters. Such public hearings are essential to the complete and careful consideration of matters brought before the Commission. Our report and recommendation is only one element of several which the Commission considers in evaluating boundary change proposals.

The extent of the problem relating to the use of alcohol in and around Togiak became much more evident at the Commission's hearing than was expressed in our report. Too, the desire and will of the citizens of the community to respond to the alcohol problem was readily demonstrated at the hearing. For these reasons, the Department believes that the annexation of Togiak Bay is in the best interests of the State and the communities of Togiak and Twin Hills.

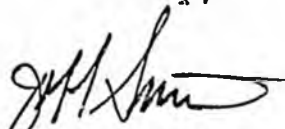
The Honorable Edna DeVries
Chairman
Senate Committee on Community and Regional Affairs
February 15, 1985
Page 2

Finally, I wish to point out that the analysis in the Department's report of additional raw fish tax revenues which the City might receive as a result of the annexation, was incomplete and may have been overestimated. It is very difficult to obtain accurate data in this regard. However, we believe additional revenues received by the City in this regard will be key to its ability to address the alcohol related problems in the territory proposed for annexation.

In conclusion, we urge you to support the recommendation of the Local Boundary Commission for the annexation of Togiak Bay to the City of Togiak. Thank you for the opportunity to clarify our position.

I have also written a letter to Representative Goll, Chairman of the House Community and Regional Affairs Committee, advising him of our position.

Sincerely,



to Emil Notti
Commissioner

cc: The Honorable Peter Goll
The Honorable Adelheid Herrmann
Gillian Smythe, Chairman, Local Boundary Commission
Marty Rutherford, Director, MRAD

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

949 E. 36TH AVENUE, SUITE 40
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

REPORT AND RECOMMENDATION TO THE ALASKA LOCAL BOUNDARY
COMMISSION ON THE PETITION BY THE CITY OF TOGIAK TO ANNEX
TOGIAK BAY, CONSISTING OF APPROXIMATELY 183 SQUARE MILES



NOVEMBER, 1984

PREFACE

Annexations are accomplished under the provisions of State laws and administrative regulations. The Local Boundary Commission reviews and acts on all petitions in accordance with Section 29.68.010 of the Alaska Statutes (AS 29.68.010) and Title 19, Chapter 10, Sections 065-090 and 450-620 of the Alaska Administrative Code (19 AAC 10.065-090 and 19 AAC 10.450-620).

The Alaska Local Boundary Commission consists of five members, one from each of the four Judicial Districts of the state, plus one member who serves at large. Commission members serve without compensation at the pleasure of the Governor.

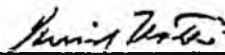
Current members of the Commission are:

SHEILA GALLAGHER, Chairman, serving at large;
JOSEPHINE ANDERSON, serving from the First Judicial District, (Southeast Alaska);
BERT GREIST, serving from the Second Judicial District, (Northwest Alaska);
DAVE HANSON, serving from the Third Judicial District, (Southcentral Alaska); and
CHARLES BETTISWORTH, serving from the Fourth Judicial District, (Interior Alaska).

Technical assistance and administrative support are provided to the Local Boundary Commission by the Department of Community and Regional Affairs, Municipal and Regional Assistance Division. The Director of the Division of Municipal and Regional Assistance is Ms. Marty Rutherford.

State regulations (19 AAC 10.520 and 19 AAC 10.570) require the Department of Community and Regional Affairs to review such proposals for annexation and to report its findings to the Local Boundary Commission.

The following is the report and recommendation of the Department of Community and Regional Affairs to the Local Boundary Commission regarding the petition for the Legislative Review annexation of territory to the City of Togiak.



Emil Notti, Commissioner
Department of Community
and Regional Affairs

11/15/84

Date

COMMUNITY PROFILE - TOGIAK

| | |
|------------------------|---|
| POPULATION | 545 (7/1/83) |
| COMMUNITY FACILITIES | Dry goods stores, airtaxi service |
| PUBLIC FACILITIES | Community recreation center, city jail, city offices, water utility, sewer utility, AVEC electrical utility, solid waste facility |
| SCHOOLS | Primary and Secondary (REAA) |
| TRANSPORTATION SYSTEMS | State airfield, winter snow machine trails, streets |
| MAJOR EMPLOYMENT | Salmon and herring fishing and related processing industry |
| PROPOSED ANNEXATION | 183 Square Miles (Approx.) |

INTRODUCTION AND BACKGROUND

The City of Togiak has petitioned for the annexation of the entire Togiak Bay, constituting an annexation of approximately 183 square miles of maritime territory. Togiak was incorporated as a fourth class city in 1969 and reclassified as a second class city in 1972 under the provisions of AS 29.08.040. The City is located at the head of Togiak Bay, at the northeastern corner of Bristol Bay. The July 1, 1983 population figures compiled for the State Revenue Program indicate that the City of Togiak has a year-round population of 545.

In 1982, the City of Togiak petitioned the Local Boundary Commission to annex 51.7 square miles located to the east of the municipal boundaries. Subsequent to conducting a public hearing, review and due consideration of testimony, the petition was denied by the Local Boundary Commission in January, 1983. The Commission's Statement of Decision made the following findings:

- ° Concern that the proposed annexation included land which the neighboring community of Twin Hills might require for future expansion and for municipal purposes should it incorporate. A determination was made that the potential for economic

growth in the area proposed for annexation "should be viewed as economic potential for the community of Twin Hills, not the City of Togiak."

- A reference to a belief on the part of the City of Togiak "that prohibition on the sale and importation of alcoholic beverages must be extended to the cannery area."
- However, the City of Togiak was, (and is) authorized by AS 04.11.496 to restrict the sale and importation of alcoholic beverages within five miles of its municipal boundaries, which includes the cannery area. The Commission accordingly determined that "adequate protection existed to safeguard against the sale of alcoholic beverages in the vicinity of the City."
- That the area proposed for incorporation was occupied on a seasonal basis by transient workers who would not be recipients of municipal services.
- As a result of its findings, the Commission recommended to the First Session of the Thirteenth Legislature that the Legislature establish a service area pursuant to AS 29.03.020 to provide police powers in the area proposed for annexation at that time.

However, no action has been taken on that recommendation.

CURRENT CONDITIONS IN TOGIAK

Togiak experiences the seasonal employment fluctuations commonly associated with Bristol Bay area communities with fisheries based economies. Togiak's economy base is primarily based upon commercial herring and salmon fishing. According to a June, 1984 report prepared by the Barik Regional Aquaculture Association, the Bering Sea Fishermen's Association and LZH Associates entitled "Local Herring Processing in Bristol Bay," 25,000 metric tons of herring were harvested in the Togiak Fishing District in 1983. The value of the pack was estimated at \$10.5 million to the fishermen and in excess of \$30 million to the processors. Since Togiak Bay comprised approximately 44 per cent of the District, value of the herring harvest in Togiak Bay to processors could be expected to total in excess of \$13 million. The Togiak Fishing District herring harvest is almost entirely processed by floating processors that come to Bristol Bay each year to freeze and brine roe herring. Limited quantities of herring are frozen on shore in Togiak and tendered outside the region for processing.

There are two fish processing facilities located within the boundaries of the City of Togiak, the Kachemak Seafoods cannery and Togiak Eskimo Seafoods, recently constructed by the Togiak Village Corporation.

The Togiak Fisheries cannery is situated near the City on the shore opposite the community (at the old Togiak Village site). A portion of the Togiak Fisheries cannery is situated below the mean high tide line and thus would be included in the area proposed for annexation.

A review of permanent employment in Togiak shows that the City has sixteen employees, the State employs three persons, the Bristol Bay Area Health Corporation has five employees, and the Southwest Region REAA provides twenty-three positions. A cooperative grocery store, established in 1970, employs one manager and two clerks. The Togiak Village Corporation operates a store and a lumber supply operation.

Five small stores located in homes in the City have two employees each. This employment, combined with fishing activities in the area, provides the City's economic base.

PROCEEDINGS TO DATE

On March 19, 1984, the Togiak City Council adopted Resolution 84-02 authorizing the current petition for the annexation of approximately 183 square miles. The City of Togiak submitted its completed petition and supporting documentation to the Department on April 2, 1984.

The description of the territory proposed for annexation is as follows:

Starting at the mean high tide line of the southern most tip of Tongue Point on the west side of Togiak Bay; thence moving in a northeasterly direction along a straight line to the mean high tide line of the southern most tip of Rocky Point on the east side of Togiak Bay; thence continuing in a northerly direction along the mean high tide line of the east side of Togiak Bay to the intersection with the east bank of the mouth of the Togiak River; thence continuing in a northerly direction along the east bank of the Togiak River to the intersection with the northern boundary of the protracted Section 6, T13S, R66W, Seward Meridian (S.M.); thence continuing west along

the section line to the intersection with the west bank of the Togiak River; thence continuing in a southerly direction along the west bank of the Togiak River to the intersection with the mean high tide line of the western side of Togiak Bay; thence continuing in a southerly direction along the mean high tide line of the west side of Togiak Bay to the intersection with the mean high tide line of the southern most tip of Tongue Point, the true point of beginning, containing approximately 183 square miles.

The petition was formally determined to be sufficient as to form and content and was accepted by the Department on September 28, 1984. Following the Department's notification that the Commission would consider the petition for submission to the Legislature in 1985, the City gave public notice of the filing of the petition by posting notice in three public places (City Hall, Post Office, and a local "TES" store), as well as in the community of Twin Hills and the Togiak Fisheries Cannery. Notice is also scheduled to be published once in the "Anchorage Daily News".

APPLICATION OF STANDARDS

19 AAC 10.065-080 establishes standards for annexation of contiguous territory to a city. In the following, each of these standards is cited in capital letters, followed immediately by the Department's analysis of how each standard applies in this instance.

1. THE CONTIGUOUS TERRITORY IS TOTALLY SURROUNDED BY THE CITY'S BOUNDARIES.

The territory proposed for annexation by the City of Togiak is located to the east of the current boundaries of the City. The territory is not surrounded by the City.

Therefore, the Department concludes that the first standard is not met.

2. THE LAND IN THE TERRITORY IS WHOLLY OWNED BY THE CITY.

The territory proposed for annexation is not owned by the City. The State of Alaska has ownership of most submerged tidelands within its boundaries. Togiak Fisheries, Inc., has a leasehold interest in a portion of the submerged lands within the area proposed for annexation. The Togiak Fisheries Cannery is partially constructed below the mean

high tide level at its location on the east side of Togiak Bay.

Therefore, the Department concludes that this standard is not met.

3. THE TERRITORY IS URBAN IN CHARACTER.

In making a determination as to whether this standard has been met, 19 AAC 10.070 (d) states that the Local Boundary Commission shall consider "whether the population density of the territory approximates that of the annexing city, whether the population of the territory stems primarily from actual growth of the city beyond its legal boundaries, and whether the property is valuable primarily by reason of its suitability for prospective urban purposes." Togiak Bay has no permanent residents, with the exception of a cannery watchman. However, during the summer months Togiak Bay has seasonal residents living on floating processors or fishing boats.

The territory has only one permanent resident. Therefore, the third standard has not been met.

4. THE TERRITORY IS IN NEED OF MUNICIPAL SERVICES WHICH THE CITY CAN PROVIDE MORE EFFICIENTLY THAN ANOTHER MUNICIPALITY.

The City of Togiak prohibits the sale and importation of alcoholic beverages within its boundaries. For this control to be effective, the City of Togiak maintains that prohibition of the sale and importation of alcoholic beverages must be extended throughout the Togiak Bay area. However, AS 04.11.496 provides that the enactment by a municipality of a prohibition on the sale and importation of alcoholic beverages may allow a municipality to restrict the sale and importation of alcoholic beverages within five miles of the boundaries of the municipality.

The petitioners note that processors and fishing boats using Togiak Bay are free to import alcoholic beverages. They maintain that this has resulted in the consumption of alcoholic beverages by residents of the City. They further maintain that continued flow of alcoholic beverages into the area has a direct relationship to alcohol related crimes and accidents occurring within the City and in the area immediately adjacent to the City.

Statistics compiled by the Alaska State Troopers appear to confirm this. During the period from June 30, 1983 until

July 1, 1984 the following public safety activities were recorded in Togiak.

| | |
|-----------------------------|-----|
| Alcohol and drug violations | 185 |
| Detoxification assists | 24 |
| Criminal mischief | 13 |
| Driving while intoxicated | 5 |
| Domestic violence | 30 |
| Assaults | 24 |

Troopers maintain that there is a direct relationship between alcoholic beverage consumption and these criminal activities. There are no other municipalities within the Togiak Bay area. Therefore, the provision of police services in Togiak Bay would be provided by the City of Togiak or the Alaska State Troopers. If Togiak Bay were annexed, it would provide the City with authority to control the importation of alcoholic beverages into a wider area.

However, the authority to enforce the prohibition of the sale and importation of alcoholic beverages does not ensure an ability to enforce the prohibitions. There are currently two village public safety officers employed by the City of Togiak. Even with increased staff, and authority to enforce prohibitions on the entire Togiak Bay, troopers maintain that it is questionable that a reasonably effective mechanism to control alcoholic beverage importation by fishing vessels could be achieved.

In 1982 the City of Togiak petitioned the Local Boundary Commission for the annexation of a portion of Togiak Bay and the Togiak Fisheries Cannery site. The City's petition for that annexation was at least partially in order to exercise control over alcoholic beverage importation into the territory outside of the City's present boundaries and to increase the raw fish tax revenue rebated to the City by the State.

The annexation petition was denied by the Local Boundary Commission because the annexation would have included Twin Hills Village Corporation conveyances and potential 14(c)(3) selections for the possible future City of Twin Hills.

However, the Commission did recognize the need for police powers to be extended into the territory. In accordance with AS 29.03.020, the Commission recommended to the First Session of the Thirteenth Legislature that it create a special public safety service area in the Togiak Bay area

to be administered by the City of Togiak. This statute reads as follows:

Sec. 29.03.020. Service areas. Allowing for maximum local participation, the legislature may establish, alter, or abolish service areas within the unorganized borough to provide special services, which may include but are not limited to schools, utilities, land use regulations and fire protection. A new service area may not be established if the new service can be provided by an existing service area, by incorporation as a city, or by annexation to a city.

The Legislature did not act on the Commission's recommendation for the creation of the public safety service area in the Togiak Bay area. Consequently, the City continues to lack legal authority to address this problem.

It is presently not possible for the City of Togiak to control the importation of alcoholic beverages into Togiak Bay. According to Alaska State Troopers, it is doubtful that even with annexation, such control could effectively be enforced. If the City is allowed to annex the Togiak Bay area it would provide the City with authority to control the importation of alcoholic beverages, but not with the capability to effectively enforce its authority.

It is the Department's finding that the fourth standard has not been met.

5. **THERE IS A REASONABLE LIKELIHOOD THAT FUTURE GROWTH AND DEVELOPMENT WILL OCCUR WITHIN THE TERRITORY AND THAT ANNEXATION OF THE TERRITORY WILL ENABLE THE CITY TO PLAN FOR AND CONTROL THAT DEVELOPMENT.**

The community of Togiak has grown from a population of 71 in 1930, to 545 in 1983. This growth has largely been the result of fisheries development in the area. Rapid growth of the area's herring fishery has occurred since 1977.

The City argues that it should have the authority to regulate the impact of the fisheries industry upon the community. The City maintains that to control impact of this growth, it should exercise some modicum of authority over activities of the seasonal population which resides outside of the City boundaries but socially and economically impact the City's residents. The petitioner

maintains that control could be best attained through the annexation of Togiak Bay. It should be noted, however, that regardless of the municipality's authority to control certain activities within municipal boundaries, it would not acquire control of the harvesting of fisheries resources in Togiak Bay if the annexation is approved.

The Department feels that there exists a likelihood of economic growth and development within the territory proposed for annexation. The Department finds that the fifth standard has been met.

6. THE HEALTH, WELFARE OR SAFETY OF CITY RESIDENTS IS ENDANGERED BY CONDITIONS EXISTING OR DEVELOPING IN THE TERRITORY AND ANNEXATION WILL ENABLE THE CITY TO REMOVE OR RELIEVE THESE CONDITIONS.

As previously stated, the City maintains that it is necessary to annex this area to ensure the safety of its citizens.

The City of Togiak prohibits the importation and sale of alcohol within five miles of the municipal boundaries, although alcohol can legally be transported by boat into areas of Togiak Bay which are more than five miles outside of the Togiak municipal boundaries.

The Department finds, however, that the City's ability to enforce its prohibition of the sale and importation of alcoholic beverages would not likely be enhanced significantly by annexation of Togiak Bay.

Difficulties inherent in policing cargoes of numerous fishing vessels would remain, regardless of the City's legal authority to restrict importation of alcoholic beverages.

The Department finds the sixth standard has not been met.

7. THE EXTENSION INTO THE TERRITORY OF CITY SERVICES OR FACILITIES IS NECESSARY TO ENABLE THE CITY TO PROVIDE ADEQUATE SERVICE TO CITY RESIDENTS, AND IT IS IMPOSSIBLE OR IMPRACTICAL FOR THE CITY TO EXTEND THE FACILITIES OR SERVICES UNLESS THE TERRITORY IS WITHIN THE CITY'S BOUNDARIES.

The arguments presented in the discussion of the sixth standard are applicable to the seventh standard.

For the adequate protection of the Togiak residents working in the area proposed for annexation and for the enforcement of the alcohol importation prohibition to be effective, the petitioner maintains that municipal boundaries must be extended to include Togiak Bay. The City has authority to extend its control over the importation of alcoholic beverages five miles beyond its municipal boundaries, yet statistics on alcohol related crimes reflect that it has not been successful in enforcing this authority. Extension of services over a much larger area are unlikely to effectively increase the ability of the City to enforce its prohibition of alcohol into the area.

Therefore, the Department finds that the seventh standard has not been met.

8. RESIDENTS OR PROPERTY OWNERS WITHIN THE TERRITORY RECEIVE OR MAY BE REASONABLY EXPECTED TO RECEIVE, DIRECTLY OR INDIRECTLY, THE BENEFIT OF CITY GOVERNMENT WITHOUT COMMENSURATE PROPERTY TAX CONTRIBUTIONS, WHETHER CITY SERVICES ARE RENDERED OR RECEIVED INSIDE OR OUTSIDE THE CITY.

If the annexation of Togiak Bay by the City of Togiak is approved it can be expected to result in a significant increase in the raw fish tax revenue rebated to the City by the State of Alaska Department of Revenue. According to the Alaska Department of Revenue, the City of Togiak received \$57,701 in raw fish tax revenues for fiscal year 1984. The Alaska Department of Revenue is not able to precisely project an estimate of additional raw fish tax revenues to be anticipated as a result of the proposed annexation of Togiak Bay.

However, based on the value of the 1983 herring harvest to processors referenced in the introduction, raw fish taxes rebated to the City as a result of the proposed annexation could be expected to total as high as \$250,000 per year. (This projection is based upon information provided by David Ryals of the Alaska Department of Revenue and is based upon the 1983 value of the herring harvest alone.) The City of Togiak does not impose a property tax.

Only seasonal workers reside in the area proposed for annexation. However, since these seasonal workers do not reside within the City of Togiak it is doubtful that they receive any direct services from the City.

The Department finds that the eighth standard has not been met.

9. THE ANNEXATION IS OTHERWISE NECESSARY TO ACCOMPLISH A VALID PUBLIC PURPOSE.

The Department is not aware of any public purpose to be accomplished through the annexation of this territory which has not been covered by the discussion of the standards for an annexation. Therefore the ninth standard is not met.

SUMMARY AND RECOMMENDATION

The Department finds that the City of Togiak's annexation petition does not adequately justify the proposed annexation. Sufficient evidence does not exist that the proposed annexation will make it possible for the City to exercise its powers of law enforcement in the area proposed for annexation. The following reviews the Department's findings for the nine standards:

- ° The contiguous territory is not totally surrounded by the City's boundaries.
- ° The territory proposed for annexation is not wholly owned by the City.
- ° Togiak Bay is not urban in character.
- ° The territory is not in need of municipal services which the City can provide more effectively than another municipality even though there are no other municipalities in the territory.
- ° There is a reasonable expectation that the herring and salmon fisheries will continue to grow and develop within Togiak Bay and that annexation of the Bay would enable the City to exert a larger degree influence upon that development.
- ° The health, welfare, and safety of City residents is endangered by the City's inability to effectively enforce its existing prohibition of the importation of alcoholic beverages into Togiak Bay. It is not assumed that the proposed annexation can reasonably be expected to effectively alleviate the alcohol abuse problems confronted by the City.
- ° The extension into Togiak Bay of City public safety services would not necessarily enable the City to better provide these services to its residents. If the City does acquire authority to extend these services into the Bay it

is questionable whether the City can enforce its authority. The City does not propose to provide any services other than public safety in the area proposed for annexation.

- ° Residents or property owners within Togiak Bay do not receive and may not reasonably be expected to receive, directly or indirectly, the benefit of City Government without commensurate property tax contributions, whether City services are rendered or received inside or outside the City.
- ° No other public purpose will evidently be accomplished by the annexation of Togiak Bay.

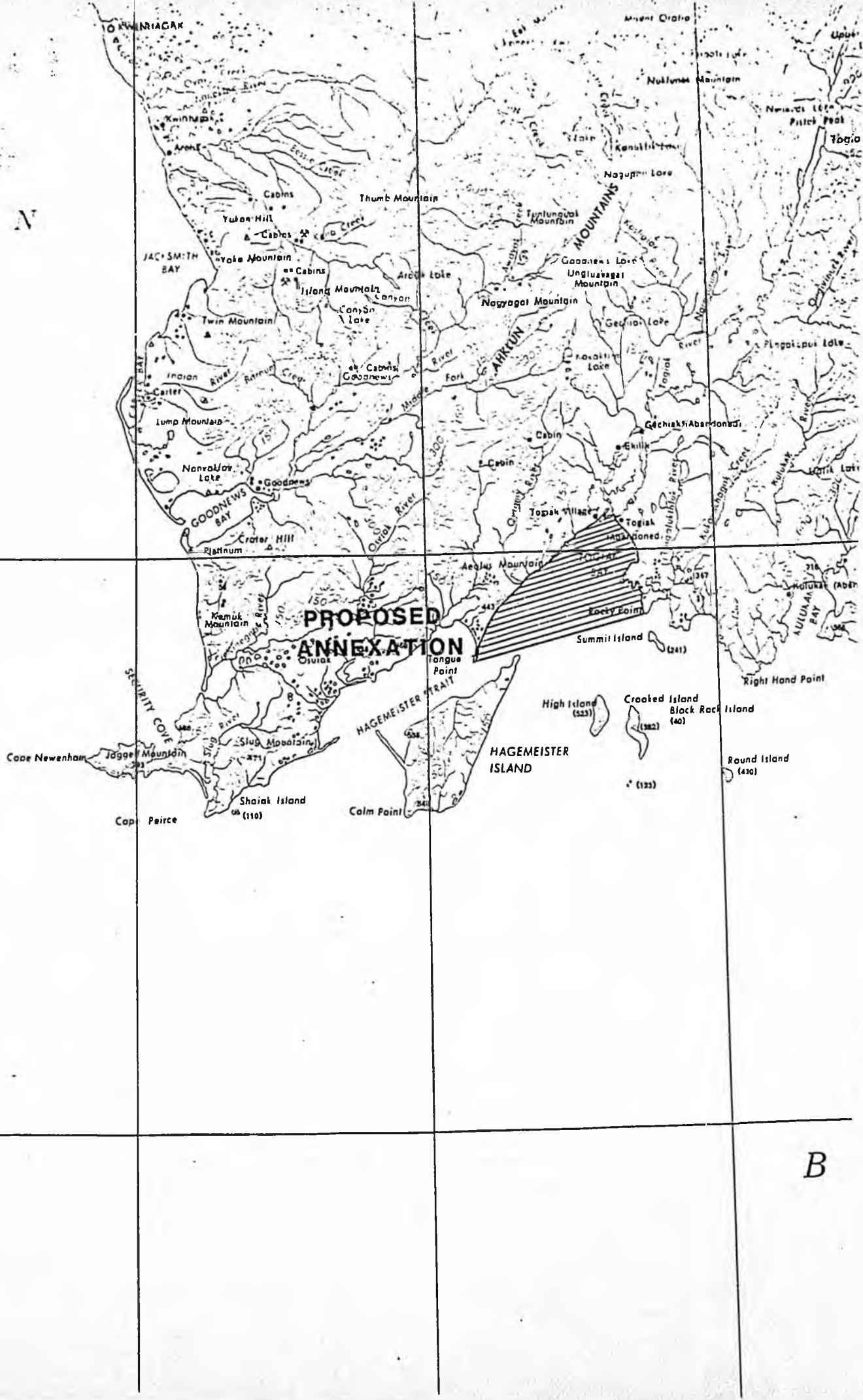
While the Department finds that future growth and development will likely occur in the area proposed for annexation, this is the only standard for annexation which we feel has been met. Further, it has not been adequately demonstrated that the proposed extension of the jurisdictional boundaries of the City of Togiak is necessary.

Therefore, the Department recommends that the petition for the annexation of territory to the City of Togiak be denied. However, the Department requests that the Local Boundary Commission consider recommending to the Legislature the possibility of amending legislation governing raw fish taxes to allow municipalities impacted by fisheries development to share in revenues generated in unincorporated areas in their vicinities.

CHILINGOK

O K W I N

Y



B

CITY OF TOGIAK
P.O. Box 99
Togiak, Alaska 99678

December 7, 1984

Adelheid Herrmann
1024 W 6th
Anchorage, Alaska 99501

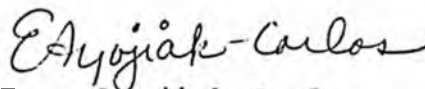
Dear Representative Herrmann,

The City was surprised to read the negative report from the Department of Community and Regional Affairs on the annexation of Togiak Bay. It appears to have been written by someone who is not familiar with the community and the territory. The LBC made a commitment to Togiak to assist us in our efforts at annexation. The current report seems to not recognize that commitment. Also, it seems to be in conflict with the Sheffield Administration's commitment to rural Alaska's efforts at self-determination.

Enclosed for your review is a response to the Department report. A copy will be available for each LBC member at the public hearing. We have not sent copies to the LBC members as there are changes being made in the commission and we do not know who will be in Togiak for the hearing December 16th.

Thank you for reading this response.

Sincerely,



Emma Ayojiak-Carlos
Mayor

Enclosure
bds

Response to the Department of Community and Regional Affairs Report to the Local Boundary Commission on the petition by the City of Togiak to annex Togiak Bay.

Togiak is the only incorporated municipality on Togiak Bay. In fact, it is the only community located on the bank of the Bay; the other community in the area, Twin Hills, is located away from the Bay and further inland. The residents of Togiak have stated and the local boundary commission has recognized the need for police powers to be extended into the Bay area. With current revenues and existing staff, Togiak is unable to enforce its alcohol control ordinance (or other city ordinances) in the Bay area. The City of Togiak recognizes its current inability to enforce its ordinances in the Bay area and is not supportive of creation of a specific service area because they would not receive the financial assistance to increase public safety staff.

Residents state that processors often pay bonuses for direct delivery of fish with alcohol. This is in violation of current laws but with current staff the law is unenforceable. One-half of the alcohol related patients seen by the Physicians Assistant in a six week period during the summer of 1984 were non-resident fishermen. Alcohol impacts the City in significant ways.

The statistics cited in the Department report indicate 185 arrests for alcohol or drug violations. This is more than three times the arrests for all other alcohol related crimes combined. Extrapolating these figures as the FBI does to incidents per 100,000 population, this indicates that more than one-third of the population would have committed an alcohol or drug violation. This graphically illustrates the severity of the problem and clearly reveals the current law is being enforced in the community of Togiak.

The attitude of the current report seems to be that the City

has been, is, and always will be incapable of enforcement in the Bay area. All comments appear to substantiate that belief. The report also has incorrect information regarding public safety staff.

It is not reasonable for the City to attempt to enforce its current alcohol ban in the Bay area as the law does not give the City the authority to enforce its alcohol importation restriction outside of the city boundaries.

The request to assume local control of the drug and alcohol violations in the Bay area is very understandable and appropriate. If Anchorage evidenced such a sever problem, over 100,000 people in Anchorage would be involved! One can imagine the steps Anchorage would take to gain control, and less concern from any community should not be expected.

In addition to allowing enforcement of local ordinances in the Bay area, the increased share of raw fish tax will enable the city to hire additional trained public safety officers. These additional funds will enable the city to expand overall public safety activities. The council is interested in search and rescue efforts as well as the expansion of other activities and services.

AS 04.11.496 does not prohibit importation of alcohol outside of the city boundaries. It prohibits the Alcohol Beverage Control Board from issuing, renewing or transferring licenses within the 5 mile area:

Sec. 04.11.496. PROHIBITION OF SALE AND IMPORTATION OF ALCOHOLIC BEVERAGES.

(b) If a majority of the voters vote "yes" on the question set out in (a) of this section, a person, beginning on the first day of the month following certification of the results of the election, may not knowingly send, transport, or bring alcoholic beverages into the municipality or established village.

The board shall be notified immediately after certification of the results of the election and thereafter may not issue, renew, or transfer between holders or locations a license for licensed premises located within the boundaries of the municipality and within unincorporated areas within five miles of the boundaries of the municipality or within the perimeter of the established village.

As there are no licensed establishments, this provision does not help Togiak alleviate its problems.

The City recognizes that perfect enforcement most likely will not occur. However, the current force of three City Police Officers and two Village Public Safety Officers will be able to systematically begin to enforce the laws if annexation is permitted. The report erroneously states the City has only two Public Safety Officers. There is also one individual who works for Public Safety during the summer on a part-time basis from GoodNews Bay. It is anticipated that additional trained officers will be hired on a part-time basis during the summer months at a minimum if the annexation is approved. Also, with the increase in revenues, a search and rescue boat can be purchased and staffed. Doing nothing because doing something may be less than perfect is not an acceptable choice.

AS 29.03.20 states that the legislature may not establish a service area if the service can be provided by annexation to an existing city. Public Safety services can be provided by the City of Togiak, as Togiak is willing to assume responsibility for enforcement. The financial capability to increase its governmental services and facilities will result from this annexation. Creating a service area or changing current law will not respond to the needs of the city.

Togiak believes the LBC previously made a commitment to respond to the needs of the community should the Legislature not act upon the request to create a special service area. It should also be noted that the Legislature has never created a special

service area and has no rules or procedures to allow them to act in such a manner even though statutorily they have the authority. School districts and coastal service areas which are created on a statewide basis are the only evidence of the legislature utilizing its authority in this manner. The legislature would need to develop procedures to enable them to act on this request. It is doubtful that the legislature has sufficient interest in this matter to take the time and effort to respond.

We believe standard no. 4: "The territory is in need of municipal services which the City can provide more efficiently than another municipality." has been met.

It is predicted that both the herring and salmon industry will continue to grow. This growth will bring with it increased problems unless this city is allowed to expand its public safety efforts to enforce their local ordinances. However, as the fishing industry grows the city will be able to share in the raw fish tax which will significantly increase city revenues at no impact to the tax payers.

As stated in the Department report, fisheries is an area of great economic activity. Togiak Bay area has great potential for developing the economy of the City. Togiak has repeatedly stated it desires to provide the infrastructure necessary to encourage development. With the increased tax base the City will be able to further its economic development activities.

The Bristol Bay Coastal Management Program recognizes Togiak fishing grounds (essentially Togiak Bay) as being the largest herring fishery in the State, and the Bay is being utilized by all five species of Pacific salmon. "The Salmon, herring - particularly roe-on-kelp - and waterfowl, along with marine mammals are all important to the thriving subsistence economy

of Togiak..."

ISER recently compiled a report on Natives in Alaska's Commercial Fisheries which states that nearly 40 percent of the 700 Native owned limited entry permits which were sold or transferred to non-natives were for Bristol Bay. Further, 20 percent of the original Native owned limited entry permits for Bristol Bay have been transferred to non-natives. These transfers indicate a growing population of non-resident fishermen.

We believe standard no. 5: "There is a reasonable likelihood that future growth and development will occur within the territory and that annexation of the territory will enable the City to plan for and control that development" has been met.

The health, welfare, and safety of both residents and non-residents are endangered by the selling and distribution of alcohol. As not all fishing boats are involved in the alcohol problem it is relatively easy for the city to recognize those persons and vessels that are creating the problem. Selective checking and judicious enforcement will rapidly reduce the most significant problems, and prevent others from occurring. We believe Standard no. 6: "The health, welfare or safety of city residents is endangered by conditions existing or developing in the territory and annexation will enable the city to remove or relieve these conditions" has been met.

All visitors to the City of Togiak receive direct benefits of potable water, sewer, solid waste disposal, police and fire protection. Visitors are also eligible to receive benefits from the clinic. These are very direct benefits which are available to residents and visitors alike.

Also, as the area is served by barge, the City may provide transportation services, harbors, docks, etc." The City is currently involved in a major erosion control project which

may impact barge services in a positive manner.

We believe standards no. 7 and 8 have been met.

No.7: "The extension into the territory of city services or facilities is necessary to enable the city to provide adequate service to city residents, and it is impossible or impractical for the city to extend the facilities or services unless the territory is within the city's boundaries."

No. 8: "Residents or property owners within the territory receive or may be reasonably expected to receive, directly or indirectly, the benefit of city government without commensurate property tax contributions, whether city services are rendered or received inside or outside the city."

As the area requested in the annexation petition is all water area, it is not understood how this area can contain any residents. The City of Togiak has not reviewed the lease agreement of Togiak Fisheries so it is unable to respond to the statement concerning persons residing in the area. The City understands however, that the residence for the watchman at Togiak Fisheries is on land away from the bank of the Bay. Therefore, the area to be annexed should not contain any residents.

The City recognizes the need to control activities and assume responsibility for its residents. The City will have the financial capability to increase its infrastructure to enforce its responsibilities through annexation of Togiak Bay. Only through annexation will the City be able to assume its rightful local control.

Self determination has been discussed and supported by the Sheffield administration. It is confusing why the Department of Community and Regional Affairs has taken a position of non-support in this request. The Department's position appears

to be in conflict with the Administration's policy.

The current recommendation to amend legislation governing raw fish tax creates in effect, another jurisdictional boundary which could not be controlled, or the proceeds adequately distributed. The legislature should not be requested to divide up the fishing area to distribute proceeds on an arbitrary basis to select communities.

Togiak is willing to assume responsibility for the Bay territory because the financial capability to increase services is present.

SUMMARY

Togiak Bay is in need of public safety services as previously recognized by the LBC. The City of Togiak is the only municipality in the area which can provide these services.

There is every expectation that both the salmon and herring fisheries will continue to develop with increasing numbers of non-resident fisherment participating. Annexation of the Bay would enable the City to exert a greater degree of influence upon that development.

The Health, welfare, and safety of city residents is endangered by the City's inability to enforce its importation prohibition outside of its boundaries (AS 04.11.496 prohibits sales and transfers of licenses within five miles. It does not prohibit importation in the same area).

The additional funds from shared raw fish tax will enable the City to hire additional equipment and trained staff to carry out its increased responsibilities.

There are no residents in the area. Services in Togiak are available to residents and non-residents alike.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

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POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

February 20, 1985

Hon. Edna DeVries
Alaska State Senate
Pouch V
Juneau, AK 99811

Re: Wise v. Local Boundary Commis-
sion (proposed annexation)

Dear Senator Devries:

After attending the February 19 meeting of the joint House and Senate Community and Regional Affairs committees on the Fairbanks annexation proposed by the Local Boundary Commission (the LBC), I felt it was important to provide you with a copy of the commission's recent motion regarding the court's stay of its decision. A stay is authorized under the Appellate Rules of Procedure to prevent enforcement of a judgment while it is being appealed. Usually, a stay is granted as a matter of course upon filing of a supersedeas bond. Appellate Rule 603(a)(2).

The position taken in the attached motion asserts that there is no judgment the enforcement of which can be stayed, until the time for legislative review passes. As you know, an annexation does not become effective until 45 days after the LBC proposes it to the legislature, and only if the two houses of the legislature do not concur in a disapproving resolution. Alaska Const. art. X, § 12; AS 44.47.583.

In requesting a stay, Mr. Hackett, counsel for Mr. Wise, did not mention the applicable constitutional or statutory provisions pertaining to the effective date of this annexation. I have filed a motion to have the court set aside its stay, because these provisions were overlooked. At the least, the stay should not be interpreted to interfere with the constitutionally-established period of legislative review. Through the teleconference network, Mr. Hackett himself testified that he was unsure what the stay meant, that it was a red herring as far as the legislature was concerned, and that the legislature should not consider the fact that an appeal has been filed in conducting its review. In the latter comments, I concur.

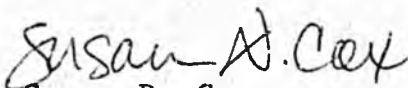
Hon. Edna DeVries
Alaska State Senate
Re: Proposed Fairbanks annexation

February 20, 1985
Page #2

I would be happy to provide your committee with any further information on the status of the Fairbanks appeal. If you would like additional copies for committee members of the enclosed motion, or the Motion to Dismiss Appeal which I provided you after the February 19 hearing, please contact me.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 
Susan D. Cox
Assistant Attorney General

SDC/pjg

cc: Hon. Peter Goll
House of Representatives

James Hackett, Esq.

RECEIVED

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE CITY ATTORNEY

OFFICE OF THE COMMISSIONER

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REPORT AND RECOMMENDATION TO THE ALASKA LOCAL BOUNDARY COMMISSION ON THE PETITION BY THE CITY OF FAIRBANKS TO ANNEX APPROXIMATELY 117 ACRES



PREFACE

Annexations are accomplished under the provisions of State laws and administrative regulations. The Local Boundary Commission reviews and acts on all petitions in accordance with Section 29.68.010 of the Alaska Statutes (AS 29.68.010) and Title 19, Chapter 10, Sections 065-090 and 450-620 of the Alaska Administrative Code (19 AAC 10.065-090 and 19 AAC 10.450-620).

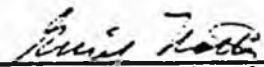
The Alaska Local Boundary Commission consists of five members, one from each of the four Judicial Districts of the state, plus one member who serves at large. Commission members serve without compensation at the pleasure of the Governor. Current members of the Commission are:

SHEILA GALLAGHER, Chairman, serving at large;
JOSEPHINE ANDERSON, serving from the First Judicial District, (Southeast Alaska);
BERT GREIST, serving from the Second Judicial District, (Northwest Alaska);
DAVE HANSON, serving from the Third Judicial District, (Southcentral Alaska); and
CHARLES BETTISWORTH, serving from the Fourth Judicial District, (Interior Alaska).

Technical assistance and administrative support are provided to the Local Boundary Commission by the Department of Community and Regional Affairs, Municipal and Regional Assistance Division. The Director of the Division of Municipal and Regional Assistance is Ms. Marty Rutherford.

State regulations (19 AAC 10.520 and 19 AAC 10.570) require the Department of Community and Regional Affairs to review such proposals for annexation and to report its findings to the Local Boundary Commission.

The following is the report and recommendation of the Department of Community and Regional Affairs to the Local Boundary Commission regarding the petition for the Legislative Review annexation of territory to the City of Fairbanks.



Emil Notti, Commissioner
Department of Community
and Regional Affairs

11/14/80

Date

COMMUNITY PROFILE - FAIRBANKS

POPULATION: 27,103 (7/1/83)

COMMUNITY FACILITIES: Fairbanks has a complete range of community infrastructure facilities

CITY SERVICES: Water, sewer, electricity, steam, police, fire, emergency medical, public works

SCHOOLS: Primary, secondary (North Star Borough), University of Alaska

TRANSPORTATION SYSTEMS: Railroad, highways, roads, streets, river barges, air service

MAJOR EMPLOYMENT: Military, transportation, service industries, government, construction, mining

PROPOSED ANNEXATION: 117 acres

INTRODUCTION AND BACKGROUND

The City of Fairbanks, a home rule municipality, has petitioned the State of Alaska for the annexation of approximately 117 acres with a present population of 96, (based upon a census completed by the Fairbanks North Star Borough in September, 1984).

Fairbanks was incorporated in 1903 and has evolved into the service, trade and transportation hub of Interior Alaska. The July 1, 1983 population figure compiled for the State Revenue Program indicates that the City of Fairbanks has a population of 27,103. Fairbanks is located within the Fairbanks North Star Borough, which holds the second largest population of any incorporated area within Alaska (65,311).

Recent developments in the area have included a revival of the local mining industry, substantial addition of personnel at Eielson Air Force Base, and the continued expansion of Fairbanks' role of providing major support to oil development in Northern Alaska.

CURRENT CONDITIONS

A 142 unit condominium development is under construction on a portion of the approximately 117 acres proposed for annexation by the City of Fairbanks. The City of Fairbanks and the developer, Wise Enterprises, Inc., state that the current construction is the first phase of a development project which is planned to eventually consist of 550 interconnected townhouse units.

The area proposed for annexation currently receives fire and emergency medical services from the Fairbanks North Star Borough's University Service Area. The City of Fairbanks maintains that such services could be provided more efficiently by the City.

Information submitted by the City of Fairbanks references a concern expressed by the local Southwest Homeowners Association that traffic generated as a result of the housing development in the area proposed for annexation will have a detrimental impact upon their neighborhood, which is within the existing boundaries of the City of Fairbanks. Representatives of the Homeowners Association have requested that the City of Fairbanks take action to block 19th Avenue, (the current Fairbanks municipal boundary and a dedicated street which has not been constructed), to force traffic from the housing development to bypass their neighborhood. The Fairbanks City Council could more readily fulfill this request if the proposed annexation is effected.

Competing applications have been filed with the Alaska Public Utilities Commission (APUC) by the Fairbanks Municipal Utility System (FMUS) and the College Utility Corporation (CUC) to provide water and sewer service to the area sought for annexation. APUC action on both applications is currently pending. Legal counsel for the College Utilities Corporation has written to Department staff requesting that the Local Boundary Commission take into account the pending water and sewer service issue, stating that the proposed annexation by the City of Fairbanks "is designed primarily to defeat the jurisdiction of the APUC over FMUS' and CUC's competing applications." The APUC has scheduled a hearing on the matter for January 15, 1985.

PROCEEDINGS TO DATE

On August 25, 1984, the Fairbanks City Council adopted Ordinance Number 4351, authorizing the current petition for the annexation of approximately 117 acres. The City submitted its petition and supporting documentation to the Department on September 17, 1984. The petition was determined to be sufficient as to form and content and was accepted by the Department on October 19, 1984.

APPLICATION OF STANDARDS

The Alaska Administrative Code (19 AAC 10.065-.090) establishes standards for annexation of territory to a city. Each of these standards is cited below in capital letters, followed immediately by the Department's analysis of how each standard applies in this instance.

1. THE CONTIGUOUS TERRITORY IS TOTALLY SURROUNDED BY THE CITY BOUNDARIES.

The territory proposed for annexation by the City of Fairbanks is adjacent to the City's boundaries. As such, it is not surrounded by the City's boundaries. Therefore, the first standard is not met.

2. THE LAND IN THE TERRITORY IS WHOLLY OWNED BY THE CITY.

The territory proposed for annexation is privately owned. Therefore, the second standard is not met.

3. THE TERRITORY IS URBAN IN CHARACTER.

The Alaska Administrative Code, (19 AAC 10.070.(d)) states, "In determining whether territory is urban in character for the purposes of (a) (3) of this section, the commission will, in its discretion and without limitation, consider whether the property is platted or held for sale for

residential or commercial purposes, whether the population density of the territory approximates that of the annexing city, whether the population of the territory stems primarily from actual growth of the city beyond its legal boundaries, and whether the property is valuable primarily by reason of its suitability for prospective urban purposes."

The territory proposed for annexation by the City of Fairbanks encompasses approximately 117 acres with a population of 96 residents, resulting in a current population density of approximately 525 residents per square mile.

However, the population density of the territory proposed for annexation is expected to increase both rapidly and significantly upon completion of a 142 unit condominium project which is currently under construction. Construction of an additional 408 units is also planned by the same developer, (Wise Enterprises, Inc.). This development will likely result in a much greater degree of urbanization in the foreseeable future. Assuming an occupancy rate of two individuals per unit, the 550 units would increase the population of the territory proposed for incorporation by 1,100. Under such circumstances, the population density of the area would equal 6,542 persons per square mile. The population density within the present boundaries of the City of Fairbanks is approximately 824 persons per square mile.

As previously stated, the area proposed for annexation is directly adjacent to the existing boundaries of the City of Fairbanks, and as such may be considered to be growth of the City beyond its legal boundaries.

The Department finds that the territory is urban in character, and the third standard is met.

4. THE TERRITORY IS IN NEED OF MUNICIPAL SERVICES WHICH THE CITY CAN PROVIDE MORE EFFICIENTLY THAN ANOTHER MUNICIPALITY.

Issues surrounding service delivery center principally upon the provision of fire and emergency medical service and the provision of water and sewer service.

Fire and Emergency Medical Service

The City of Fairbanks maintains that its Fire Department is in a position to provide better fire and emergency medical service (EMS) to the area proposed for annexation than is currently provided by the Fairbanks North Star Borough's University Fire Service Area. The City of Fairbanks supports its argument with an assertion by the staff of the City's Fire Department that response travel distance for City fire and EMS equipment is currently 20 to 25 per cent less than that of the Borough's University Fire Service Area.

This statement is disputed by Emergency Services staff of the North Star Borough. Borough staff maintain that response time is approximately the same for Borough fire and EMS staff as it is for City personnel.

The City of Fairbanks' Fire Department has stated that:

- A. A fire substation planned by the City of Fairbanks for the area would reduce response distances by fifty to ninety per cent in comparison to the current distance from the Borough's University Fire Service Area facility.
- B. The City of Fairbanks' EMS also provides paramedic level service, while the University Service Area provides a lesser emergency medical technician level of service.
- C. Benefits of faster fire response time provided by the City would accrue to residents in the area proposed for annexation in the form of a significant improvement in fire insurance ratings for the area and consequent fire insurance rate reductions.
- D. As a result of the EMS scope and quality offered by the City of Fairbanks, residents of the area would benefit from the skilled attention of more personnel with higher levels of expertise than would be the case should the area not be annexed. According to the City's Assistant Fire Chief, this could be "critical in managing industrial accidents and life threatening events such as heart attacks and strokes, because five to seven medical personnel are needed for their effective and expeditious control."

Water and Sewer Service

As mentioned previously, the housing development currently underway in the territory proposed for annexation has generated an immediate demand for expanded water and sewer utilities service. The City of Fairbanks has applied to the Alaska Public Utilities Commission to extend the service area for the Fairbanks Municipal Water and Sewer Utility to this and adjacent areas. However, the College Utilities Corporation has a competing application pending before the APUC. Public utilities are prohibited by AS 42.05.221 from operating a utility without first having obtained an APUC Certificate of Public Convenience and Necessity.

Section 29.48.040 of Alaska Statutes provides that "A municipality owning or operating utilities may extend service to adjacent areas outside its municipal limits. For that purpose the utility may acquire, maintain, and operate utility facilities together with necessary real property interests and real property outside its limits." However, Section 12.106.1

of the Code of the City of Fairbanks requires that, "If [territory is] not within the corporate limits of the city, an abutting property owner can connect [to the City's water system] if he agrees to annexation at the earliest practical time, and agrees to pay applicable present or future assessment requirements."

It is not the role of the Department to make a recommendation as to which utility can more effectively provide water and sewer service to the territory in question. The Alaska Public Utilities Commission will render an independent decision on this issue regardless of Local Boundary Commission and/or Legislative approval of the proposed annexation.

In spite of the issues raised concerning provision of sewer and water utility service, the Department believes that sufficient demand for other municipal services has been demonstrated and that these services can best be provided by the City of Fairbanks. The Department finds that the fourth standard is met.

5. THERE IS A REASONABLE LIKELIHOOD THAT FUTURE GROWTH AND DEVELOPMENT WILL OCCUR WITHIN THE TERRITORY AND THAT ANNEXATION OF THE TERRITORY WILL ENABLE THE CITY TO PLAN FOR AND CONTROL THAT DEVELOPMENT.

As previously stated, a 142 unit townhouse condominium complex is currently under construction within the territory proposed for annexation and another 408 units are planned. This development will utilize much of the remaining vacant land within the territory proposed for annexation.

The Department finds that this territory is undergoing considerable development and that it should be within the City's boundaries to allow the City to exercise some measure of control over that development. The Department finds that the fifth standard is met.

6. THE HEALTH, WELFARE OR SAFETY OF CITY RESIDENTS IS ENDANGERED BY CONDITIONS EXISTING OR DEVELOPING IN THE TERRITORY AND ANNEXATION WILL ENABLE THE CITY TO REMOVE OR RELIEVE THESE CONDITIONS.

A spokesman for the Southwest Homeowners Association, representing the neighborhood immediately north of the territory proposed for annexation, has expressed concern that traffic from the development would impact their neighborhood. The Homeowners Association has asked that Nineteenth Avenue, currently the City's boundary and a dedicated street which has not yet been constructed, remain unconstructed, or that if it is constructed that it be blocked to force traffic from the condominium development to use alternate routes, (Peger Road or

University Avenue), rather than pass through the neighborhood. According to the Fairbanks City Attorney, this issue could currently be addressed only through joint action by the City of Fairbanks and the North Star Borough, since the boundary of the two municipalities runs down the middle of Nineteenth Avenue.

The Department finds that welfare and safety concerns expressed by the Southwest Homeowners Association are justified. Annexation of this territory would enable the City to more effectively address these concerns. The Department finds that the sixth standard is met.

7. THE EXTENSION INTO THE TERRITORY OF CITY SERVICES OR FACILITIES IS NECESSARY TO ENABLE THE CITY TO PROVIDE ADEQUATE SERVICE TO CITY RESIDENTS, AND IT IS IMPOSSIBLE OR IMPRACTICAL FOR THE CITY TO EXTEND THE FACILITIES OR SERVICES UNLESS THE TERRITORY IS WITHIN THE CITY'S BOUNDARIES.

As has been stated, the City of Fairbanks' Fire Department maintains that it is in a position to provide better fire and emergency medical service to the area proposed for annexation than is currently provided by the Fairbanks North Star Borough's University Fire Service Area. This position is not consistent with the stated belief of Borough personnel, yet both City and Borough staff agree that the City's current fire insurance rating is more favorable than that of the Borough's University Fire Service Area.

The provision of water and sewer service to the territory is an issue which will be decided by the Alaska Public Utilities Commission. Representatives of the College Utility Corporation have spoken and written to Department staff expressing objections to the proposed annexation. Based upon our discussions, we anticipate that an answering brief opposing the proposed annexation will be introduced by the College Utility Corporation. As previously mentioned, however, Alaska Statutes do not prohibit a municipal utility from serving territory outside the municipality's boundaries. Neither is the College Utility Corporation prohibited by Alaska Statutes from provision of service to the area should the annexation be effected. However, the Code of the City of Fairbanks dictates that inclusion within the City's boundaries is a requirement for receipt of Fairbanks Municipal Water Utility service.

Concerns raised by the Southwest Homeowners Association concerning control of the impact of traffic generated by development in the area proposed for annexation could be better addressed if the area is annexed. The ability of the City of Fairbanks to address this issue would be limited should the annexation not be effected. The Department finds that the seventh standard is met.

8. RESIDENTS OR PROPERTY OWNERS WITHIN THE TERRITORY RECEIVE OR MAY BE REASONABLY EXPECTED TO RECEIVE, DIRECTLY OR INDIRECTLY, THE BENEFIT OF CITY GOVERNMENT WITHOUT COMMENSURATE PROPERTY TAX CONTRIBUTIONS, WHETHER CITY SERVICES ARE RENDERED OR RECEIVED INSIDE OR OUTSIDE THE CITY.

It is probable that present and future residents of the territory proposed for annexation do presently and will continue to benefit directly and indirectly from services provided by the City of Fairbanks. Currently the City has a real property tax rate of 1.8 mills and does not levy a tax on personal property. The City of Fairbanks imposes a sales tax of 3 percent on sales made within the City; however, collection of this tax has been stayed since July 1, 1981.

It is also noteworthy that an arrangement is currently in effect whereby the City of Fairbanks provides a degree of EMS to the area in conjunction with the North Star Borough's University Fire Service Area. This provision of service is based upon an arrangement wherein both entities respond to emergencies within the area proposed for annexation. Additionally, since residents of the area proposed for annexation live immediately adjacent to the City of Fairbanks, it is assumed that they utilize certain City services. These services are likely to include City maintained streets and cultural activities.

The Department finds that the eighth standard is met.

9. THE ANNEXATION IS OTHERWISE NECESSARY TO ACCOMPLISH A VALID PUBLIC PURPOSE.

Residents of the territory proposed for annexation may not participate in the democratic process which guides the municipality's direction and growth. As long as these individuals reside outside the City's boundaries, they are precluded from holding or voting for candidates for seats on the Fairbanks City Council or on City referenda or initiatives. Annexation would extend such opportunities to these individuals.

Therefore, the Department finds that, to the extent mentioned above, the ninth standard for annexation is met.

RECOMMENDATIONS

The Department finds that the petition submitted by City of Fairbanks adequately justifies the proposed annexation. Sufficient evidence exists that the proposed annexation will make it possible for the City to provide its fire protection and emergency medical services in the area

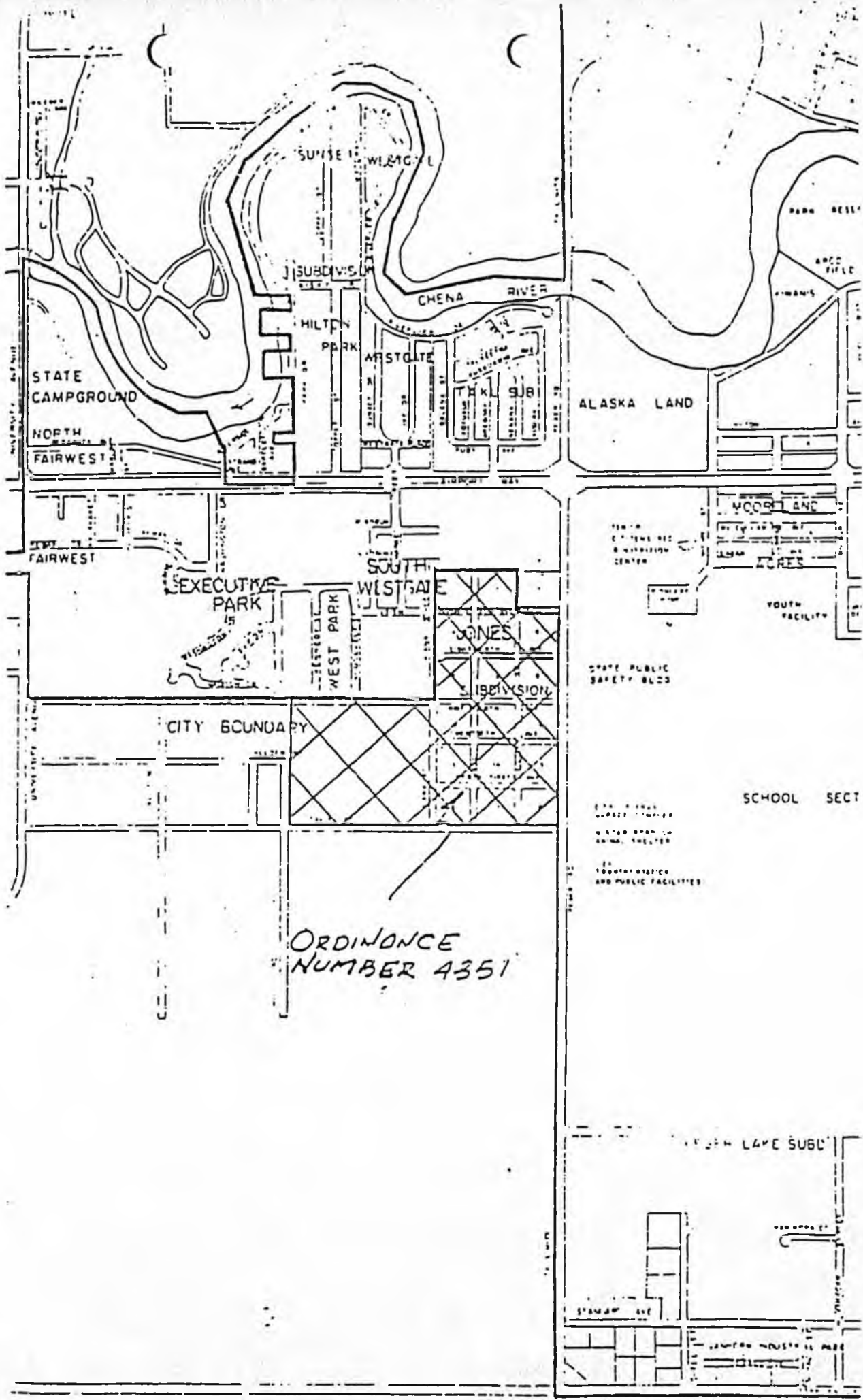
proposed for annexation. The proposed annexation would also allow the City of Fairbanks to exercise a necessary level of control of the impact of rapid growth of the area proposed for annexation upon a neighborhood already within the Fairbanks' City boundaries. The following reviews the Department's findings for the nine standards:

- The contiguous territory is not totally surrounded by the City's boundaries.
- The territory proposed for annexation is not wholly owned by the City.
- The area is urban in character.
- The territory is in need of municipal services which the City can provide more effectively than another municipality.
- There is a virtual certainty that the population of the area will grow and develop in the immediate future and that annexation of the territory will enable the City to plan for and control that development.
- The health, welfare, and safety of City residents is endangered by the City's inability to effectively control impacts of anticipated increases in traffic which will be generated by development of numerous new housing units being constructed in the territory proposed for annexation.
- The extension of City fire and emergency medical services into the area proposed for annexation would enable the City to better provide these services to area residents in a more efficient manner. This assertion is supported by the fire insurance rating of the City of Fairbanks vis-a-vis that of the area served by the North Star Borough's University Fire Service Area. Given the additional tax base which the City would acquire should the annexation be effected, the City of Fairbanks could more readily afford to develop a fire substation planned for the area.
- Residents and property owners within the area proposed for annexation receive and may reasonably be expected to continue to receive, directly and indirectly, the benefit of City government without commensurate property tax contributions. An arrangement is currently in effect whereby the City of Fairbanks provides EMS to the area in conjunction with the North Star Borough's University Fire Service Area. Additionally, since residents of the area proposed for annexation live immediately adjacent to the City of Fairbanks, it is assumed that they utilize certain City services. These services include City maintained streets and cultural activities.

- Residents of the area, while evidently impacted by activities occurring within the City of Fairbanks, do not currently have the ability to directly participate in City of Fairbanks' local elections. Annexation of the territory would afford them this opportunity.
- The Alaska Administrative Code (19 AAC 10.090 (a)) requires that "for the annexation by a city of territory of another municipality, the Local Boundary Commission will determine the method by which assets and liabilities are to be distributed between the city and the municipality formerly providing services. In determining the distribution of liabilities and assets, the commission will, in its discretion, approve an equitable agreement between the municipalities affected but will independently review the proposed agreement."
- The Fairbanks North Star Borough Attorney has informed the Department that there are no assets or liabilities to be distributed in the area proposed for annexation. He also verbally stated that the Borough has no objections to the proposed annexation.

Therefore, the Department recommends that the petition for the annexation of territory to the City of Fairbanks be approved as submitted.

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Togiak

P.O. Box 99
Togiak, Alaska 99678

Second Class City

Phone: (907) 493-5820, or 493-9614

INCORPORATION DATE: June 23, 1969
POPULATION: 554
REGULAR ELECTION: First Tuesday in October
SALES TAX: 2%
CITY COUNCIL MEETS: Bi-Monthly

MAYOR: Emma Ayojiak-Carlos 1985

CITY COUNCIL MEMBERS

Andrew Franklin 1987
William Coupchiak 1986
Anuska Schaeffer 1985
Henry L. Bavilla 1985
Henry Pavian 1985
John Coopchiak 1985

SCHOOL BOARD

Andrew Franklin
Anuska Schaeffer

PLANNING & ZONING COMMISSION

Teddy Coopchiak, CIP
Henry Kohuk
Billy Blue
Henry Pavian
Andrew Franklin

MUNICIPALLY OWNED UTILITIES:

Water, Sewer, Airport, Refuse Collection

ADMINISTRATOR Margie Coopchiak
ADMINISTRATIVE ASSISTANT. Marie Pavian
AIRPORT MANAGER William Coupchiak
ATTORNEY. Frederick Torrissi
CLERK Daniel Nanalook, Jr.
FIRE CHIEF. Kenneth Nanalook
HEALTH AIDE Sophie Nick
HEALTH AIDE Anecia Active
POLICE CHIEF. Herbert Lockuk, Sr.
TREASURER Henry L. Bavilla
VPSO. Stan Active, Jr.
VPSO Ken Nanalook
WATER-SEWER SUPERINTENDENT. Pete Abraham

Fairbanks

410 Cushman Street
Fairbanks, Alaska 99701

Home Rule City

Phone: (907) 452-1881

INCORPORATION DATE: November 10, 1903
POPULATION: 27,103
REGULAR ELECTION: First Tuesday following first Monday in October
SALES TAX: None
CITY COUNCIL MEETS: First Monday following First Thursday

MAYOR: Bill Walley 1986

CITY COUNCIL MEMBERS

Chris Anderson 1985
Valerie Therrien 1985
Paul Whitney 1987
Ted Lehne 1986
John Immel 1987
Janet Halvarson 1986

MUNICIPALLY OWNED UTILITIES:

Water, Sewer, Electricity,
Telephone, Steam

ATTORNEY. Herb Kuss
CLERK Carma B. Roberson
ELECTRIC SUPERINTENDENT Keith Sworts
ENGINEER. John Phillips
FINANCE DIRECTOR. Robert Wolting
FIRE CHIEF. Warren Tilman
HEAT/WATER DISTRIBUTION SUPERINTENDENT. Charles Meggitt
MANAGER W.C. Droz
PARKS & RECREATION DIRECTOR Terry Leberman
POLICE CHIEF. Howard Mahler
PUBLIC UTILITY MANAGER. Virgil Gillespie
PUBLIC WORKS DIRECTOR Lane Thompson
PURCHASING OFFICER. Paul Raiford
SEWER SUPERINTENDENT. John Miko
WATER SUPERINTENDENT. Dar Heine

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

February 25, 1985

Hon. Edna DeVries
Alaska State Senate
Pouch V
Juneau, AK 99811

Re: Togiak Bay proposed annexation

Dear Senator DeVries:

I have reviewed your February 22 request for legal advice on the proposed annexation of Togiak Bay and have attempted, in the short time available, to respond to your questions.

It appears there is no clear answer to questions 1-3 regarding jurisdiction over Togiak Bay. I am informed that, under normal juridical principles, Togiak Bay (if bounded by Tongue Point and Rocky Point) may contain slightly less than the area usually required to qualify as a traditional bay. It is a close call and has not been worked out using exact dimensions. If Togiak Bay was considered a juridical bay, then Alaska's jurisdictional boundary would extend three miles beyond the mouth of the bay. However, that has not been unequivocally established.

Not being familiar with the legal technicalities of the Territorial Sea and the Contiguous Zone, I spoke with Tom Koester, assistant attorney general in charge of our natural resources section. I explained to him the nature of your request and showed him the nautical chart of the "Alaska Peninsula and Aleutian Islands to Segum Pass" which was presented to the Senate Community and Regional Affairs Committee on February 21. The method of determining Alaska's Territorial Sea is currently a matter of litigation between the state and the federal government in the U.S. Supreme Court. United States v. Alaska, No. 84 Original. Although Togiak Bay is not at issue in the litigation, Tom told me that the state's position in the suit would result in drawing the state's offshore boundary line south of the islands at the mouth of Togiak Bay. The water in Togiak Bay and between the bay and the islands (Hagemeister Island, Walrus Islands, and Round Island) would therefore all be within Alaskan jurisdiction. Because we do not have complete background data and, of course, do not know what the outcome of the lawsuit before the U.S. Supreme Court will be, this position as it relates to Togiak Bay is

Senator Edna DeVries, Chairman
Community & Regional Affairs Committee
Alaska State Legislature

February 25, 1985
Page #2

not certain, although it is the state's position.


I am sorry that there is no precise answer to these questions. The definition of a bay and the offshore boundaries of the state are matters for experts and subject to great dispute. It should be noted that the Territorial Sea and Contiguous Zone are concepts that were designed for the regulation of shipping. It is not impossible, and indeed not all that uncommon, for a municipality to define its boundaries without regard to the Territorial Sea lines.

Additionally, you asked if there are legal ramifications of consequence to annexing part of a physical structure while a remaining section of the structure remains unannexed. Without having further information, this is a difficult question to answer. As I understand it, the structure in question is a fish processing operation with a dock extending into the water and a plant on the shore, above the high tide line. The portion of the dock projecting into Togiak Bay below the high tide line will be subject to the jurisdiction of the City and, in that sense, there will be legal ramifications for that operation (e.g., local taxation, ordinances, etc.). However, I do not view the annexation of part of a structure as a legal obstacle to the entire annexation.

Please contact me if you have any further questions.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 
Susan D. Cox
Assistant Attorney General

SDC/pjg

cc: Hon. Peter Goll
House of Representatives

Eric Meyers
Rep. Adelheid Herrmann's Office
House of Representatives

Dan Bockhorst
DCRA -- Municipal & Regional
Assistance Division

Alaska State Legislature

Senate

Committee on Community and Regional Affairs



Official Business

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

February 23, 1985

To: Representative Goll, Chairman
House Community & Regional Affairs

From: Senator Edna DeVries, Chairman
Senate Community & Regional Affairs

Subj: Local Boundary Commission Annexation Decisions
on Fairbanks and Togiak

As was reported to you by staff after our committee meeting on Thursday, Feb 21, it was agreed that resolutions disapproving the above two decisions would be introduced on the floor for possible action by the committee. Attached are copies of the two resolutions that were read across on Friday, Feb 22, and assigned to Senate C&RA.

Testimony before committee on Feb 21, brought up new questions concerning the proposed Togiak annexation. The questions basically relate to jurisdiction in the water area proposed for annexation. Attached is a copy of my memorandum to the Attorney General requesting an opinion on the relevant questions.

I asked for and received the approval of the Senate body to waive the 5-day rule on hearing SJR 17 & 18. As you will note by my memorandum to the Attorney General, final hearing on the two annexations in question will be held on Tuesday, February 26. The exact time has not yet been decided.

If you have questions, please give me a call at Ext 4712.



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

February 22, 1985

To: Attorney General
Attn: Susan Cox

From: Senator Edna DeVries, Chairman *Edna*
Community and Regional Affairs Committee

Subj: Opinion re: Togiak Bay proposed annexation

I wanted to clarify the questions that I wish answered for the Committee in connection with our decision regarding the above subject.

As pertains to Togiak Bay and the proposed annexation:

- 1) Where is the boundary line for state and/or local jurisdiction?
- 2) Where is the boundary line for the Territorial Sea and Contiguous Zone?
- 3) What jurisdiction has authority over the above defined water areas for purposes of public health and safety?
- 4) Are there legal ramifications of consequence to annexing a part of a physical structure while the remaining section of the structure remains unannexed?

It is necessary that I have the Dept of Law opinion on this matter by Tuesday morning, February 26 prior to Senate Session so that I may call the Committee back together to make a final decision in time to meet the legal deadline per AS 09.68.010.

Introduced: 2/22/85
Referred: Community and Regional Affairs

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 SENATE JOINT RESOLUTION NO. 17

3 -- IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION


5 Disapproving the recommendation of the
6 Local Boundary Commission for annexation
7 of territory to the City of Fairbanks.

8 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 WHEREAS, under art. X, sec. 12, Constitution of the State of Alaska,
10 the Local Boundary Commission has presented to the legislature its recom-
11 mendation number one dated January 23, 1985, entitled "Recommendation for
12 the Annexation of Territory to the City of Fairbanks"; and

13 WHEREAS a recommendation of the Local Boundary Commission presented to
14 the legislature becomes effective 45 days after presentation or at the end
15 of the session, whichever is earlier, unless disapproved by a resolution
16 concurred in by the majority of the members of each house;

17 BE IT RESOLVED by the Alaska State Legislature that recommendation
18 number one of the Local Boundary Commission dated January 23, 1985, and
19 entitled "Recommendation for the Annexation of Territory to the City of
20 Fairbanks" is disapproved.



Introduced: 2/22/85
Referred: Community and Regional Affairs

IN THE SENATE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

SENATE JOINT RESOLUTION NO. 18

IN THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - FIRST SESSION

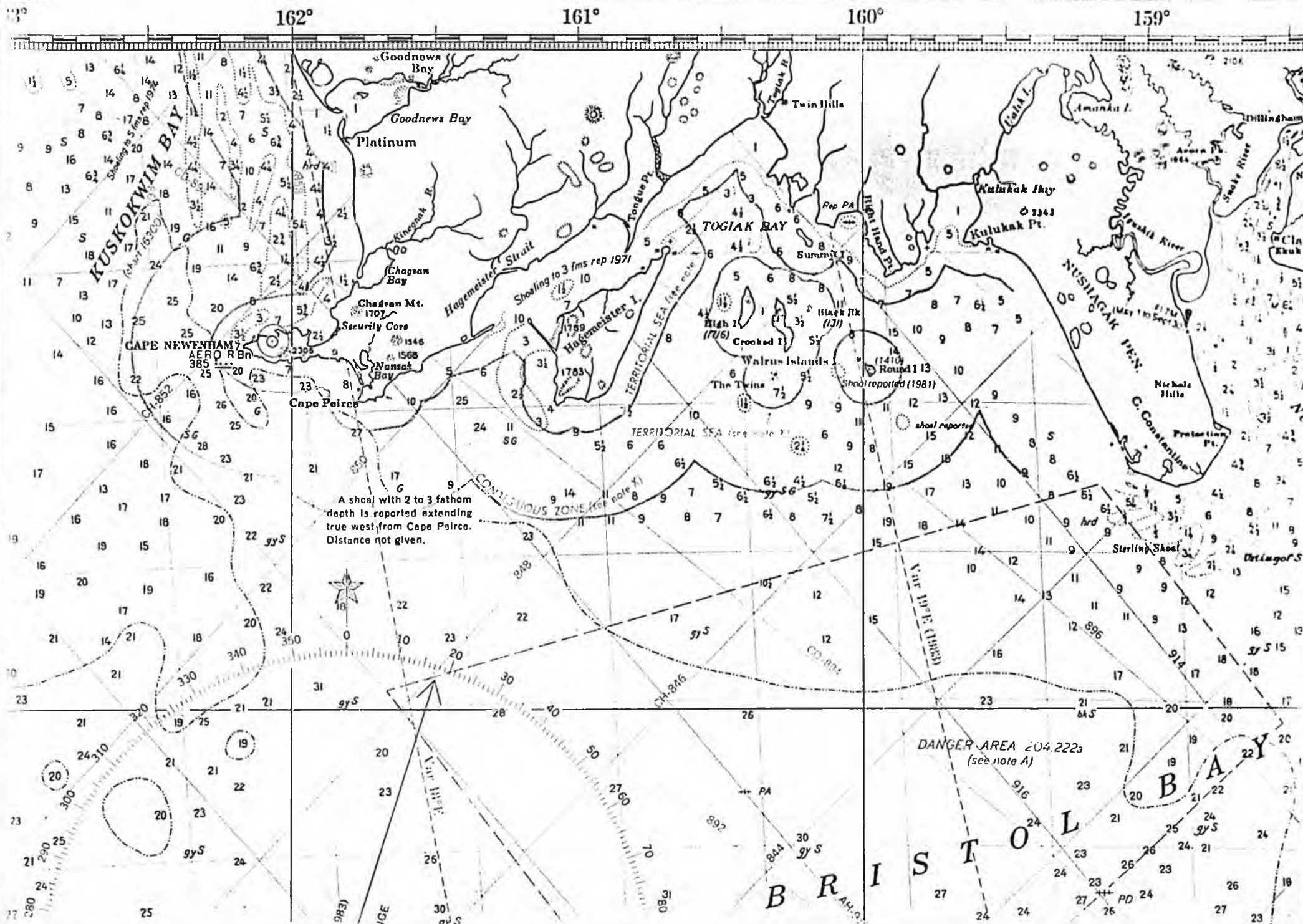
Disapproving the recommendation of the
Local Boundary Commission for annexation
of territory to the City of Togiak.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS, under art. X, sec. 12, Constitution of the State of Alaska,
the Local Boundary Commission has presented to the legislature its recom-
mendation number two dated January 23, 1985, entitled "Recommendation for
the Annexation of Territory to the City of Togiak"; and

WHEREAS a recommendation of the Local Boundary Commission presented to
the legislature becomes effective 45 days after presentation or at the end
of the session, whichever is earlier, unless disapproved by a resolution
concurring in by the majority of the members of each house;

BE IT RESOLVED by the Alaska State Legislature that recommendation
number two of the Local Boundary Commission dated January 23, 1985, and
entitled "Recommendation for the Annexation of Territory to the City of
Togiak" is disapproved.

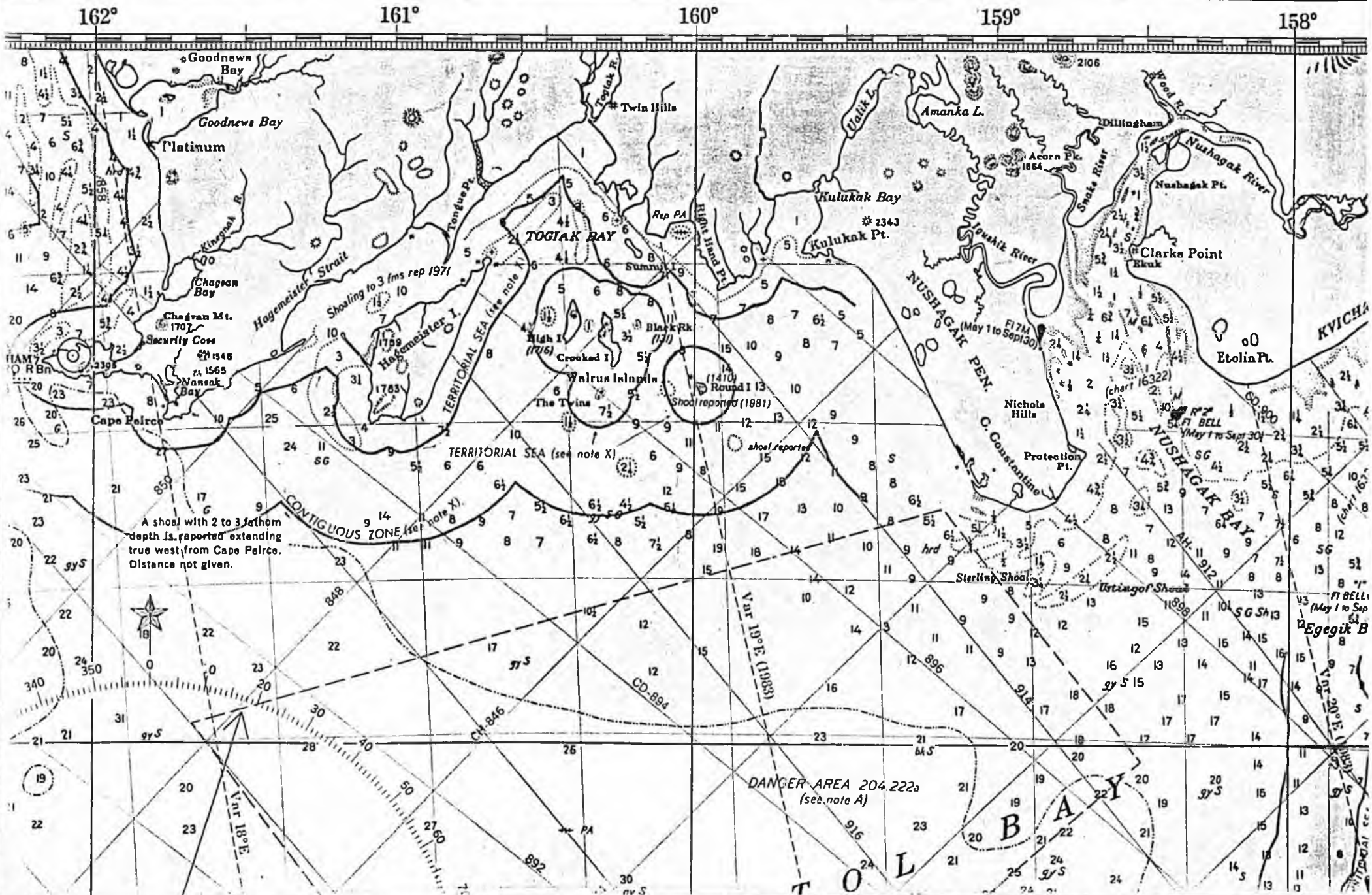


A shoal with 2 to 3 fathom depth is reported extending true west from Cape Peirce. Distance not given.

DANGER AREA 204.2223
(see note A)

Senator De Vries
X4712

SOUNDINGS IN FATH



Senator John B. (Jack) Coghill
Alaska State Legislature

Pouch V
Juneau, Alaska 99811
(907) 465-1715

Box 458
Kenai, Alaska 99760
(907) 852-5171



MEMORANDUM

TO: C&RA Committee Member
FROM: Senator Coghill
RE: Letter from James Hackett
DATE: February 18, 1985

Enclosed is a letter from Mr. James Hackett, attorney for Dennis Wise in Fairbanks.

It looks to me that we have an end run being done through the "direct" way of annexation to the Legislature for one parcel in this area when other areas are being done by citizen vote.

I would suggest we deny this request and have the annexation done through election (which never hurt anyone).

1

Feb 19 - 3:30 -

Togiak -

Mayor - intense fishing activity
4 hr mtg - Jan 12 before public
publ police protection needed to control alcohol
Twin Hills community.
Raw fish tax -- could hire Trooper to
patrol water area

Arthur from Twin Hills - opposed

~~9 AAC 10~~ Art. III Sec 80. appln of
standards

19AAC 10.80
appln of
standards

do not know if bootleggers or
processors are creating problems
Togiak has not stopped problem of alcohol
in the present city - so cannot stop it in
new larger area

~~Ferr in need of City~~

~~FERR. in need of City services~~

Gilliani - Togiak met 3 of 9 standards
proposed in Regs

Resident of Togiak Bay -

people losing property from seiners
and killing of walrus, whales, animals needlessly

Moses - lifelong resident of Togiak - increase in alcohol
related accidents -- support annexation -
need water safety patrol

Wilbur - in Togiak 39 yrs - for annexation

Roger - not too familiar w/annexation procedures
Twin Hills opposes annexation
did Togiak ask for special service area

DeVries - No - they asked for annexation

Gillian - Some years ago, they asked for a
larger service area ^{that included Twin Hills} -- we recommended that
the Legislature set up a service ^{area} - they
did not - ~~so~~ so Togiak came back - - -
this time w. a smaller area for
annexation that does not include any
Twin Hills ..

Katie - Health-aide - because annexation
will not stop alcohol - Togiak
should have better reason - for
annexation, believe there is another

reason besides the alcohol problem

?

have seen deaths from alcohol - and we are trying to protect from May to Sept -- when many people die --
With this tax could provide

Fairbanks - Dennis Wise - lives in Fairbanks for 33 yrs - built over 1500 apts

have never before fought annexation

Fire Service Area 133 yes 10 against
APUC when residents were against annexation

My projects have been inspected by the State
Records of LBC have not been made available
tape we rec'd was inaudible --

Coghill -- what records did you ask for?
Smythe -- hearing records --

Bockhorst -- did have duplicate copy made --
We have a Court Order to provide all info
and we will do so --

DeVries - Gruenberg had to leave - is watching this closely

Wise - Davis or Peger Rds are not being maintained by City and will not be
I am providing drainage

The 117 acres are not urban in character
Health and safety can be responded to by other service agencies

Records of boundary commission were bad and were told they were bad months ago - City looked so bad -- I wanted that hearing made public

Smother - Wise the only one at hearing who was against annexation

Brckhorst - Susan Cox 2 Dept of Law is here -- says record will be provided

Lehne -- Dep Mayor - respect Wise - discuss process -

~~also petitioned~~ petitioned this time because wanted to give property owners a greater voice
believe property is urban in character

SW prop. owners assn. wanted this
Prop owners south of here have petitioned for annexation - will be a vote

No people from Jones Subdivision are against this annexation.

Arlessi - is Boro for or against

Lehne - we asked them and they wrote saying they had no objection

Coghill - looks like to me you have an end run around due process -- Since Judge has issued a stay to decision of LBC

Lehne - disagree - last time used this was to annex Ft Wainwright

Coghill - Art 1 -- allows protection of all rights

Ron Smith - attorney for City and City Utilities prop. owners to West opposed to annexation -- no people within area against except Wise and his worker --

if Res. passes resolution against LBC -- their decision becomes moot - will violate due process if you pass resolution

Univ fore Dist voted for because it was them or nothing

Hackett -- easy way to find out if there were overwhelming support for annexation - allow a vote -- City does not annex urban areas - Tanana Fair/College area not annexed

Fischer - what does stay mean?

Hackett - I don't know - but if City really is in 6 in that area they should ask for a vote

Fischer -- don't want a political speech
what does it mean

Hackett -- I'm not sure -- I don't know

Thursday - Feb 28 - C&RA

Coghill - LBC & → 67 ④ ✓ ⑨

✓ Toq has one so -- 2 I see it
as setting a precedent

so will not support Toquak
but will support Fairbanks

Ferguson - Moved to Table &
Toquak annexation

DeVries - I object -- Wash. D.C. is
already in this # → cost us
money

Fischer - I don't see 6. P 7

to table yes yes yes - DeVries No

Coghill - move out Fair w/indian recommendations

SB 137 Rodey

Ferguson B, C, D & E Fraal

Rodey - yes

Alaska State Legislature

Senate

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer



Official Business

Committee on Community and Regional Affairs

Pouch V

Juneau, Alaska 99811

February 19, 1985

C&RA Meeting -- 3:30p

This meeting has been continued from the Feb 5 meeting wherein the Local Boundary Commission presented its report to the Legislature. The two items for consideration are the Commission approved annexation of 117 acres to the City of Fairbanks and 183 square miles to the City of Togiak. Teleconference hook-up has been setup with Fairbanks and Togiak.

Togiak has requested to testify from 3:30 to 4:00p

The Mayor of Togiak, Emma Ayojiak-Carlos

will testify-- I do not know how many others

Fairbanks testimony will be from 4:00 until 4:30p

Dennis Wise and/or his attorney, Mr. Hackett

will testify and the City of Fairbanks will be

represented by City Attorney Herb Kuss

Information received since the February 5 meeting on the

Fairbanks annexation: Superior Court Judge James Blair

has issued an order staying the Local Boundary Commission

decision pending appeal filed by Wise Enterprises.

The committee requested the Dept of Community and Regional Affairs to clarify their position on the annexation of the area requested by Togiak, since their present position paper recommends against annexation. I called and requested this written clarification last week and was told that it would be provided prior to today's meeting.

The meeting at 6:30p today was suggested by the Committee in order to have a work session with the Local Boundary Commission on incorporation within the unorganized borough. I have attached two documents that are general in nature but do speak to this issue. I suggest that you open the discussion by requesting Arliss to give an overview of some of the work she did on this issue while she was chair of Senate Community and Regional Affairs.....

I suggest that you ask the Ccmmission to provide the Committee with information on how many requests for incorporation have been received over the past 5 years, and how many of those requests have been approved and how many have been denied.

The Commission might be asked to give its opinion as to incorporation within the unorganized borough.

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3600

February 26, 1985

Hon. Edna DeVries
Alaska State Senate
Pouch V
Juneau, AK 99811

Re: Proposed Fairbanks annexation
and appeal in Wise v. LBC

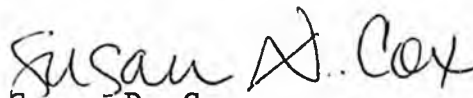
Dear Senator DeVries:

I have enclosed a copy of the order signed by Judge Blair in the Fairbanks appeal of Mr. Wise which sets aside the stay the judge earlier ordered. The form of order was one I provided with the Motion for Reconsideration filed February 19, 1985, a copy of which you have seen. The judge signed the order February 25.

Please inform your committee members that the stay mentioned earlier at the hearings and in various documents has been abandoned by the court, and is not an impediment to the legislature's review of the Fairbanks annexation proposed by the Local Boundary Commission.

Sincerely yours,

NORMAN C. GORSUCH
ATTORNEY GENERAL

By: 
Susan D. Cox
Assistant Attorney General

SDC/pjg

cc: Hon. Peter Goll
House of Representatives

Dan Bockhorst
DCRA -- Municipal & Regional
Assistance Division

AD

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

DENNIS B. WISE d/b/a/ WISE)
ENTERPRISES, INC.,)
Appellant,)
vs.)
STATE OF ALASKA LOCAL BOUNDARY)
COMMISSION,)
Appellee.)

FILED in the Trial Courts
State of Alaska, Fourth District

FEB 25 1985

By Deputy
No. 4FA-85-60 CIV

ORDER

This court having considered appellee's Motion for
Reconsideration of February 5, 1985 Order and Affidavit of Coun-
sel, and otherwise being advised of the premises,

IT IS ORDERED that the court's order of February 5,
1985, approving appellant's supersedeas bond nunc pro tunc and
granting a stay of the Statement of Decision approved by the
Local Boundary Commission on December 1, 1984, pending the ap-
peal herein, is hereby set aside. The Statement of Decision,
entitled "Summary of Proposed Action," is not a final decision
and therefore is not a judgment the enforcement of which can be
stayed.

DATED: Feb. 25, 1985

James R. Blum
Superior Court Judge

I certify that on 2-25-85
copies of this form were sent to
CLERK: [Signature]
Hackett

LDG
2-19-85

OFFICE OF THE ATTORNEY GENERAL
STATE OF ALASKA
First National Center 100 Cushman, Suite 400
Fairbanks, Alaska 99701 Phone: (907) 452-1568

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Order