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

MICHAEL E. MURPHY,)
)
 Appellant,)
)
 MARGRET A. MULLINS,)
)
 Appellant,)
)
 vs.)
)
 LOCAL BOUNDARY COMMISSION,)
)
 Appellee.)
) Case No. 4FA-07-01738 CI

**LOCAL BOUNDARY COMMISSION’S MEMORANDUM IN OPPOSITION TO
APPELLANT’S SUPPLEMENTAL MOTION FOR PRELIMINARY
INJUNCTION TO STAY THE ELECTION OF THE DELTANA BOROUGH**

The Local Boundary Commission (LBC) files this in response to appellant Michael Murphy’s supplemental memorandum filed in support of the pending motion to stay the incorporation election of the Deltana Borough. In responding, the LBC reasserts its position as set forth in its July 10, 2007 memorandum in Opposition to Expedited Consideration and To Stay Election filed in response to Ms. Mullins’ motion in the companion case (4FA-07-01018 CI), and addresses Murphy’s supplemental arguments below.

ATTORNEY GENERAL, STATE OF ALASKA
DIMOND COURTHOUSE
P.O. BOX 110300, JUNEAU, ALASKA 99811
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3 **1. Standard of Review.**

4 Murphy's request to stay the election concerns the reliance by the LBC on
5 a Payment in Lieu of Taxes (PILT) agreement that is part of the basis for which the
6 LBC made a determination of financial viability of the new borough. That decision of
7 the LBC, and the regulations upon which the decision is based, is to be reviewed under
8 the reasonable basis test.

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10 The Alaska Supreme Court has determined that the standard applicable to
11 a review of LBC decisions is the reasonable basis test. *Mobil Oil, Corporation v. Local*
12 *Boundary Comm'n*, 518 P.2d 92, 97 (Alaska 1974). The statutory standards for
13 incorporation of a borough are intended to be flexibly applied to a wide range of
14 regional conditions. *Id.* Acceptance of a petition for incorporation of an organized
15 borough should be affirmed if reviewing court sees in the record a reasonable basis of
16 support for the commission's reading of the standards and its evaluation of the evidence.
17 *Id.* And, in reviewing a challenge to a decision of the LBC to approve an incorporation
18 petition, it has been held by the Alaska Supreme Court that the statement of purpose
19 accompanying the local government article of the Alaska Constitution favors upholding
20 organization of boroughs by the Local Boundary Commission whenever the
21 requirements for incorporation have been minimally met. Const. art. 10, § 1. *Id.* at 99.

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23 And, the Supreme Court reviews both the LBC's interpretation of its own
24 regulations and an agency's exercise of its discretionary authority under the "reasonable
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3 basis” standard. *Lake and Peninsula Borough v. Local Boundary Comm’n*, 885 P.2d
4 1059, 1062 (Alaska 1994).

5 The Court in *Keane v. Local Boundary Commission*, 893 P.2d 1239
6 (Alaska 1995), held that when a decision of the LBC involves expertise regarding either
7 complex subject matter or fundamental policy formulation, the court defers to the
8 decision if it has a reasonable basis. In contrast, the court is to exercise its independent
9 judgment when interpreting a statute which does not implicate the agency's special
10 expertise or determination of fundamental policies. *Keane*, 893 P.2d at 1241. And,
11 constitutional issues present questions of law to which a reviewing court applies its
12 independent judgment and should be given reasonable and practical interpretation in
13 accordance with common sense. *Id.*

14
15 **2. Legal Challenge to the PILT Agreement is Premature**

16 The request to stay the election of the Deltana Borough based upon a
17 claim that the PILT agreement is unconstitutional under Art. IX, secs 1 and 4 of the
18 Alaska Constitution is premature for three reasons.

19 One, the agreement’s effectiveness for the proposed Deltana Borough is
20 subject to a vote of the people under AS 29.06.110. If the voters fail to pass the PILT
21 agreement, there is no incorporation. Even if the voters approve the incorporation of the
22 borough and PILT, that result is not a *fait accompli*; the underlying appeal filed by
23 Murphy challenging the LBC’s decision to approve the petition could result in the
24 election being vacated by a court. Vacating an incorporation election “after” the
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3 election, or requiring a second election is not an unprecedented action by an Alaska
4 court. In *Lake and Peninsula Borough*,¹ it was held that the lower court could order a
5 second election as to where the boundaries would be and the case was remanded for
6 reconsideration of whether the LBC complied with the statutes addressing municipal
7 boundary determination. The Court further held that, if the LBC did not change the
8 boundary, no new election will be required. However, if the LBC changed the
9 boundary, then the Borough must hold an election in which voters would have to choose
10 either (1) to incorporate according to the changed boundary, or (2) not to incorporate.
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12 *Id.* at 1066-67. In *Keane v. Local Boundary Commission*, the Court held that it was not
13 an abuse of discretion when the lower court did not stay an election based upon an
14 allegation of an illegal tax. 983 P.2d at 1247-50 (superior court did not abuse its
15 discretion by declining to stay, pending appeal, nonmonetary judgment pertaining to
16 propriety of LBC's decision to allow incorporation of city; given the effect on the right
17 to petition and vote for incorporation and on the right to vote for tax measure to ensure
18 the financial viability of the city, the public interest did not favor staying incorporation
19 of city, and appellant made no showing of irreparable harm or probability of success on
20 the merits). In sum, legal precedent supports a determination that the public can be
21 protected by allowing the election to go forward as planned, and Murphy's appeal rights
22 are not impeded.
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25 ¹ *Lake and Peninsula Borough v. Local Boundary Commission*, 885 P.2d 1059
26 (Alaska 1995).

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3 Two, there has been no case in Alaska that has held that a PILT agreement
4 -- state or municipal -- is unconstitutional. To the contrary, another municipality, the
5 Northwest Arctic Borough (NWAB) has had a similar PILT agreement in place since
6 1987. Exh. M (PILT Agreement between Northwest Arctic Borough and Cominco and
7 (now Teck Cominco). The LBC knows of no legal challenge or court order declaring
8 NWAB's agreement to be unconstitutional or otherwise not in compliance with law
9 (i.e., AS 29.45.010; AS 29.45.030). The PILT agreement of the NWAB has been
10 amended and extended several times. To not allow the approved petition for Deltana
11 incorporation to go to the voters based upon an untested legal theory -- particularly
12 where there is evidence of a longstanding, similar PILT agreement -- is comparable to
13 not allowing a legally questionable initiative to go to a vote of the people. In *Alaska*
14 *Action Center, Inc. v. Municipality of Anchorage*, 84 P.3d 989 (Alaska 2004), the court
15 reiterated the rule that executive officers (i.e., the Lieutenant Governor or a municipal
16 clerk), may only reject an initiative petition if "controlling authority" leaves no room for
17 argument about its unconstitutionality. *Id.* at 992, citing *Kodiak Island Borough v.*
18 *Mahoney*, 71 P.3d 896, 900 (Alaska 2003). Here too, the court should allow the
19 question of incorporation to go forward to the voters as scheduled as there is no legal
20 precedent for staying the election on the basis of a challenge to the PILT agreement.²
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24 ² Due to the brief amount of time to prepare this response, the LBC is not able to
25 fully address the constitutional arguments about taxing powers and the PILT raised by
26 appellant. However, the LBC refers the court to *Liberati v. Bristol Bay Borough*, 584
P.2d 1115 (Alaska, 1978), in which the Supreme Court noted that the framers of the

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3 Three, by allowing the incorporation election to go forward and, if the
4 election fails, Murphy's appeal would presumably become moot. And, by law, no new
5 incorporation petition for a borough in the Deltana area may be presented to the LBC
6 for a period of two years. 3 AAC 110.650.³

7
8 **3. LBC's Decision That the Petition Met Standards for Incorporation**
9 **Had Reasonable Basis and There is Reasonable Evidence to Support**
10 **Decision.**

11 Murphy alleges that the LBC's decision to approve the petition for
12 incorporation was based upon an illegal agreement (the PILT), therefore, the LBC's
13 findings as to the financial viability of the proposed borough are in error. Murphy
14 Mem. pp. 15-21. However, as noted above, there is no legal precedent to support a

15 constitution provided municipalities with a broad grant of taxing authority, limited only
16 by other provisions of law, and that this power is consistent with the second sentence of
17 Article X, Section 1 which requires that "(a) liberal construction shall be given to the
18 powers of local government." (This theme of liberal construction and broad local power
19 was reiterated by the legislature in AS 29.35.400, 29.35.410 and 29.35.420). *Liberati*
20 also discusses the constitutional rule of liberal construction was intended to make
21 explicit the framers' intention to overrule a common law rule of interpretation which
22 required a narrow reading of local government powers (*Id.* n. 19) and, further stating,
23 "The foregoing summary should have at least a cautionary effect on the judiciary. We
24 should not be quick to imply limitations on the taxing authority of a municipality where
25 none are expressed." *Id.*

26 **3 AAC 110.650. Resubmittals and reversals**

Except upon a special showing to the commission of significantly
changed conditions, a petition will not be accepted for filing that

(1) is substantially similar to a petition denied by the
commission, rejected by the legislature, or rejected by the voters during
the immediately preceding 24 months; or

(2) requests a substantial reversal of a decision of the
commission that first became effective during the immediately preceding
24 months.

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3 finding that the PILT agreement is unconstitutional. In reviewing the decision of the
4 LBC, one looks to whether the LBC had a reasonable basis for concluding that the
5 petition met the standards set in law and regulation for a borough. The only
6 incorporation standard realistically being challenged in this proceeding is projected
7 financial viability under 3 AAC 110.055, and whether the LBC could reasonably rely on
8 the information provided with the petition upon which to base its determination that the
9 proposed borough petition minimally met this standard. If standards for borough
10 incorporation are found by the LBC to have been minimally met, the incorporation
11 question must go to the voters under AS 29.06.110. *See Mobil Oil*, 518 P.2d at 99.⁴

12
13 The evidence presented to the LBC to support financial viability of the
14 proposed borough included the City of Delta Junction/Teck-Pogo PILT agreement.
15 Exh. N (Appendix G to the Petition for Incorporation). The Delta Junction PILT
16 agreement was prepared by James DeWitt, Esq., counsel for the city of Delta Junction
17 (petitioners).⁵ Also provided to the LBC was his explanation of the PILT agreement
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20 ⁴ Court stated that “The borough concept was incorporated into our constitution in
21 the belief that one unit of local government could be successfully adapted to both urban
22 and sparsely populated areas of Alaska, and the Local Boundary Commission has been
23 given a broad power to decide in the unique circumstances presented by each petition
24 whether borough government is appropriate. Necessarily, this is an exercise of
25 delegated legislative authority to reach basic policy decisions. Accordingly, acceptance
26 of the incorporation petition should be affirmed if we perceive in the record a
reasonable basis of support for the Commission's reading of the standards and its
evaluation of the evidence.” 518 P.2d at 99.

⁵ Mr. DeWitt prepared a legal analysis of the constitutionality of the proposed
PILT agreement for the City of Delta Junction on December 8, 2005. Exh P.

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3 (Exh.O; Appendix F to the Petition for Incorporation).⁶ And, the LBC was made
4 aware of the existing PILT agreement in the NWAB.⁷ The fact the LBC was not only
5 provided evidence of the City of Delta Junction/Teck-Pogo PILT agreement's terms, but
6 also was made aware of the longstanding, current and similar PILT agreement of the
7 NWAB, constitutes a reasonable basis for the LBC to find that the agreement would be
8 valid, and that the proposed Deltana Borough met the standards of 3 AAC 110.055.
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10 Additionally, there was evidence presented to the LBC and supported in
11 the findings and conclusions, showing revenue sources -- other than the Teck-Pogo
12 PILT agreement -- that could support the Deltana borough. The record shows that the
13 proposed Deltana Borough clearly has the resources to be fiscally viable without the
14 PILT -- in fact, the fiscal resources, particularly the value of taxable property, of the
15 proposed Deltana Borough would be the envy of most organized boroughs in Alaska.
16 In determining whether a proposed borough is fiscally viable, the LBC is required by
17 AS 29.05.031(a)(3) to consider "property values" and is required by 3 AAC 110.055 to
18 consider "property valuations for the proposed borough." DCCED reported to the
19 LBC on page 78 of DCCED's Preliminary Report that the estimated value of taxable
20 property in the proposed Deltana Borough totals \$706,578,000. Based on the 4,148
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23 ⁶ Appendices F and G to the petition can also be found on the LBC website:
<http://www.commerce.state.ak.us/dca/lbc/deltana.htm>

24 ⁷ DCCED reported to the LBC on page 19 of DCCED's Preliminary Report as
25 follows: "A copy of the PILT agreement is in Appendix D. The Red Dog lead and zinc
26 mine has a similar funding arrangement with the Northwest Arctic Borough in the
Kotzebue region." A copy of the NWAB PILT Agreement is attached here as Exh. M.

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3 population figure used by DCCED and the LBC, the estimated value of taxable property in
4 the proposed borough is \$170,342 per capita.

5 The table below compares the 2006 full and true value of taxable property
6 among all 16 organized boroughs in existence at the time of petition. If incorporated,
7 the proposed Deltana Borough would rank second among the seventeen boroughs,
8 behind only the North Slope Borough. The per capita assessed value of the proposed
9 Deltana Borough is more than twice the figure for the Fairbanks North Star Borough.
10 The average for all boroughs was \$105,505 per resident. The median figure is \$88,601.
11 The figure for the proposed Deltana Borough is \$64,837 (61.5 percent) greater than the
12 average figure and \$81,741 (92.3 percent) greater than the median figure.
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15 2006 Full Value Figures for All Organized Boroughs in Alaska
16 (ranked in descending order of per capita value)

Borough	2006 Full Value Determination	Population	Per Capita Full Value
North Slope Borough	\$10,695,169,950	6,894	\$1,551,374
Bristol Bay Borough	\$157,644,400	1,073	\$146,919
City and Borough of Juneau	\$4,249,188,100	31,193	\$136,222

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Haines Borough	\$272,988,900	2,207	\$123,692
Kenai Peninsula Borough	\$6,172,932,290	51,224	\$120,509
Denali Borough	\$197,526,000	1,823	\$108,352
City and Borough of Sitka	\$945,701,100	8,947	\$105,700
Municipality of Anchorage	\$28,833,782,720	278,241	\$103,629
Matanuska-Susitna Borough	\$7,507,998,500	74,041	\$101,403
Ketchikan Gateway Borough	\$1,255,171,900	13,125	\$95,632
City and Borough of Yakutat	\$53,120,600	619	\$85,817
Kodiak Island Borough	\$1,134,159,100	13,638	\$83,162
Fairbanks North Star Borough	\$7,267,077,780	87,650	\$82,910
Northwest Arctic Borough	\$385,637,200	7,323	\$52,661

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Aleutians East Borough	\$101,343,287	2,659	\$38,113
Lake and Peninsula Borough	\$55,133,500	1,620	\$34,033
Total	\$69,284,575,327	582,277	\$118,989
Source: <i>Alaska Taxable 2006</i> , pp. 44 – 45, DCCED (January 2007).			

As with all the standards for incorporation when the LBC must make a determination of whether a particular petition meets the standards for incorporation, such standards are to be flexibly applied. *Mobil Oil*, 518 P.2d at 99. Here, the record shows that the LBC did not rely solely on the Teck-Pogo PILT Agreement with Delta Junction in determining that the petition for incorporation satisfied the requirements of 3 AAC 110.055. There was evidence of other sources of revenue that the LBC relied upon (other than the PILT) in determining the petition met the standards of 3 AAC 110.055. The LBC's discretion in making such determinations has been often discussed by the Alaska Supreme Court.⁸

⁸ The LBC is an entity with broad authority and discretion that has been fully recognized by the Alaska Supreme Court on numerous occasions. Whether a petition before the commission meets the standards to be approved, or disapproved, or whether it is in the best interests of the state, involves fundamental policy and broad judgments of political and social policy. Under Article X, Sec. 12, and the overwhelming authority of the LBC as delegated by the legislature in statute in AS 29.06.040 and AS 44.33.812, it is apparent that a determination of the adequacy of a petition is within the province of the

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3 **4. Murphy Fails to Satisfy Test to Stay the Election.**

4 Appellant Murphy argues that the Deltana Incorporation election should
5 not be held because he believes that one element of the incorporation, the provision for
6 a payment in lieu of taxes (PILT), may be unconstitutional, or may conflict with
7 provisions of Title 29. Murphy cites various cases dealing with initiative elections in
8 support of his argument. Murphy's memorandum in support of motion for preliminary
9 injunction at pages 21, and 24-25. However, the body of case law on initiative elections
10 clearly establishes that these elections will not be stayed where there is a constitutional
11 issue concerning the initiative measure unless the measure is clearly unconstitutional.
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13 The courts have long recognized that when initiative petitions meet formal
14 requirements for filing, the laws they propose to adopt are ordinarily not subject to
15 immediate challenge. The general rule is that a court should not determine the
16 constitutionality of an initiative unless and until it is enacted. *Alaskans for Efficient*
17 *Government, Inc. v. State*, 153 P.3d 296, 298 (Alaska 2007). The rule against pre-
18 election review is a prudential one, steeped in traditional policies recognizing the need
19 to avoid unnecessary litigation, to uphold the people's right to initiate laws directly, and
20 to check the power of individual officials to keep the electorate's voice from being
21 heard. *Id.*
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25 LBC. *Hammond v. North Slope Borough*, 645 P.2d 750, 758 (Alaska 1982); *Mobil Oil*
26 *Corp. v. Local Boundary Commission*, 518 P.2d 92, 98 (Alaska 1974); *see also*
Matanuska-Susitna Borough v. Hammond, 726 P.2d 166 (Alaska 1986).

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3 Murphy has not demonstrated that the payment in lieu of taxes (PILT)
4 provision that he challenges is clearly unconstitutional. The standard for a pre-election
5 rejection of an initiative application is that: “clerks should only deny initiative petitions
6 that violate the constitutional and statutory rules regulating initiatives or that propose
7 ordinances for which controlling authority precludes enforcement as a matter of law.”
8 *Kodiak Island Borough v. Mahoney*, 71 P.3d 896, 900 (Alaska 2003). The court
9 interprets the clerk's power to declare an initiative proposal unconstitutional as being
10 somewhat analogous to the power of a state executive agency to declare a state statute
11 unconstitutional. In both cases it is the courts, not the clerk or the executive, that are
12 primarily responsible for constitutional adjudication. Yet in order to avoid a waste of
13 resources and needless litigation it is right that the latter should have the power to refuse
14 to give life to proposals or laws that are clearly unconstitutional. *Id.* In the case of
15 executive agencies the court has held that they have authority to “abrogate a statute
16 which is clearly unconstitutional under a United States Supreme Court decision dealing
17 with a similar law, without having to wait for another court decision specifically
18 declaring the statute unconstitutional.” Similarly, we believe that a municipal clerk
19 should have the authority to reject an initiative under AS 29.26.110(a)(4) if the proposal
20 is clearly unconstitutional. *Id.*; *see also Keane*, 893 P.2d at 1249-50.

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22 The court in *Mahoney* provided an example of a measure that would
23 satisfy the “clearly unconstitutional standard where a clerk should reject an initiative
24 that is properly submitted procedurally. The court’s example was where the initiative
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3 measure proposes an ordinance mandating local school segregation based on race. *See*
4 *Brown v. Board of Educ. of Topeka, Kan.*, 349 U.S. 294, 75 S.Ct. 753, 99 L.Ed. 1083 (1955)
5 (ruling that racial school segregation is unconstitutional). *Id.* Mr. Murphy has not made
6 a showing of unconstitutionality that satisfies this standard. He has not cited an Alaska
7 Supreme Court decision which holds that a PILT agreement is clearly unconstitutional.
8 Absent a showing of unquestionable unconstitutionality, the people have a right to vote
9 on the proposed measure. Any question as to whether the proposed incorporation
10 measure is a post-election question that is to be addressed, if at all, only after the people
11 have voted. The people may vote not to enact the proposed incorporation, in which case
12 the constitutional issue is moot.
13

14 Mr. Murphy cites *Alaskans for Efficient Government, Inc. v. State*,
15 153 P.3d at 302, in support of his argument. However, the narrow exception set out in
16 that case does not apply here. The court in the *AFEG* case rejected the initiative
17 application because the application proposed an initiative measure on a subject that
18 could only be changed by constitutional amendment, and the initiative may not be used
19 to amend the constitution. *AFEG v. State*, 153 P.3d 299-300. The incorporation
20 election questions here do not pose a constitutional amendment.
21

22 Similarly, *Whitson v. Anchorage*, 608 P.2d 759 (Alaska 1980), does not
23 support Murphy's argument. Murphy has not demonstrated that the PILT provision in
24 this incorporation election is clearly contrary to state law set out in Title 29. The court
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3 rejected the type of broadening of the *Whitson* case holding urged by Murphy in *State v.*
4 *Trust the People*, 113 P.3d 613, 628 (Alaska 2005):

5 The state also relies on *Whitson v. Anchorage*. But that case supports the
6 conclusion that pre-election review is not appropriate here. In *Whitson*, the
7 Municipality of Anchorage challenged an initiative in court before submitting it
8 to the voters. The municipality contended that, if enacted, the proposed initiative
9 would violate provisions of state law implicitly limiting the electorate's right to
10 enact an ordinance on the topic covered by the proposed initiative. In opposing
11 this challenge, the initiative's proponents argued that the challenge was
12 premature and could not be decided before the election. But we disagreed,
specifically concluding that the provision qualified for pre-election review
because it "plainly ... would conflict" with state law and was "in clear conflict
with a state statute." *Whitson* thus illustrates an application of the clear
"controlling authority" exception to the general rule against pre-enactment
review that we referred to in *Alaska Action Center*.

13 (Footnotes omitted.)⁹

14 The court in *Trust the People* found that a narrow interpretation of the
15 permissible scope of pre-election review is faithful to case law, supported by the strong
16 policies that generally disfavor advisory opinions, and is justified by the limited purpose
17 of pre-election review--to protect the Alaska Constitution's express provisions defining
18 the initiative process. *Id.* Because the subject matter at issue in *Trust the People*--
19 filling senate vacancies--was not specifically barred from the initiative process under
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22 ⁹ *Alaska Action Ctr., Inc. v. Municipality of Anchorage*, 84 P.3d 989, 992 (*Alaska*
23 *2004*) (quoting *Kodiak Island Borough v. Mahoney*, 71 P.3d 896, 900 (*Alaska 2003*)) and
24 *Brooks*, 971 P.2d at 1027. We provided an example of the type of clearly controlling
25 authority that might allow a proposed initiative to be removed from the ballot: "The
26 initiative's substance must be on the order of a proposal that would 'mandat[e] local
school segregation based on race' in violation of *Brown v. Bd. of Educ.* before the clerk
may reject it on constitutional grounds." *Alaska Action Ctr.*, 84 P.3d at 992 (citations
omitted).

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3 article XI, section 7, nor “clearly inapplicable” under article XII, section 11, nor is its
4 resolution clear under controlling authority, the court concluded that the proposed
5 initiative met the test for submission to the voters. The initiative’s ultimate compliance
6 with the Seventeenth Amendment falls outside the proper scope of the lieutenant
7 governor’s pre-election review. *Id.* at 628-29. Similarly, whether the PILT agreement
8 here is an unconstitutional delegation of the taxing power or whether it might be
9 contrary to a state statute is not a proper subject for pre-election review of this
10 incorporation measure.
11

12 5. Conclusion

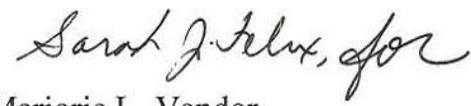
13 Murphy has failed to meet the required standard for injunctive relief set
14 out in *State v. Metcalfe*, 110 P.3d 976, 978 (Alaska 2005) as he has failed to show
15 probable success on the merits. There is legal precedent for this court to order that the
16 incorporation election proceed to the voters even in light of the challenges to the
17 underlying determination by the LBC in accepting the Deltana petition for
18 incorporation. And, if the voters approve the incorporation of the Deltana Borough,
19 Murphy’s appeal issues will proceed and the constitutionality of the PILT and all the
20 other issues raised by appellants can be fully briefed by the parties, and an incorporation
21 is not a *fait accompli*.
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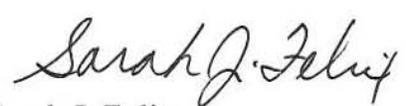
The state therefore requests that Murphy's request to stay the incorporation election be denied.

DATED this 26th day of July, 2007.

TALIS J. COLBERG
ATTORNEY GENERAL



By: Marjorie L. Vandor
Assistant Attorney General
Alaska Bar No. 8511185



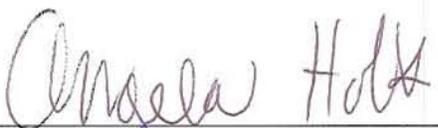
By: Sarah J. Felix
Assistant Attorney General
Alaska Bar No: 8111091

CERTIFICATE OF SERVICE

The undersigned certifies that on the 26th day of July, 2007, a true and correct copy of the foregoing document, LOCAL BOUNDARY COMMISSION'S MEMORANDUM IN OPPOSITION TO APPELLANT'S SUPPLEMENTAL MOTION FOR PRELIMINARY INJUNCTION TO STAY THE ELECTION OF THE DELTANA BOROUGH, with exhibits were served on the following by U.S. Mail, postage prepaid and via e-mail transmission to:

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