

# Akiachak dissolution shot down

by **Jim Benedetto**

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The Local Boundary Commission has refused a request by the Native village of Akiachak upriver from Bethel to allow an election to dissolve their municipal government.

The residents of Akiachak have been trying to dissolve their municipal government for several years in order that the local Native government could assume the full duties and authority of the municipal government.

In September of 1983, the local IRA council declared the municipal government of Akiachak defunct. Many members of the city council, who were also members of the local IRA govern-

ment, resigned their city seats, citing jurisdictional disputes resulting from having two local governments in place.

The State of Alaska warned the residents of Akiachak at that time that they were likely to lose considerable revenues as a result of the dissolution. State officials suggested an election to determine whether the members of the community truly desired to do away with their city government.

The election results were: 100-2 in favor of dissolution. But the state refused to honor the election results, refusing to honor the results of an IRA (and thus, not a state) election, and also because of outstanding debts in-

curred by the city. The Local Boundary Council, however, later agreed to consider whether or not to permit another election. The LBC is the entity that must approve elections for such a purpose.

In the meantime, state officials advised residents of Akiachak that the proper way to dissolve their municipality was to keep it operational in order to facilitate the transfer of funds and liabilities to the other governing body — in this case, the IRA. Ironically enough, one of the reasons for the Local Boundary Commission's refusal to permit an election for the dissolution was the very presence of an operational municipal government.

The rest of the Native community in Alaska has been closely watching the events unfold in the Akiachak controversy. Many Native villages, alarmed by the prospect of losing local control over their government and lands by the influx of whites into some communities, are pursuing the as yet untested claims of tribal government advocates, in order to more fully assert their right to self-determination.

Proponents of tribal governments point to the city of Bethel as a prime example of what can happen to a Native community when the population grows too quickly. Less than 20

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years ago, Bethel was a small Native community with relatively few whites. Today it is a city largely controlled by whites, whose ranks include the mayor and a majority on the city council, as well as much of the town's business interest, including much of the staff of its only newspaper.

Others point out that the State of Alaska's policy of encouraging the formation of municipal governments as a way of acquiring state monies, such as revenue sharing and grants, jeopardizes the community's ability to provide the maximum amount of support to those organizations and programs which provide needed social services, making a dissolution of the local municipal governments, in a sense, a gamble with those programs.

A hypothetical community of 250 residents with no municipal government is eligible for about \$25,000 in

state aid, under Alaska's current funding policies, according to Emil Notti, the Commissioner of the state's Department of Community and Regional Affairs. The same community, after incorporation, would get a minimum of \$50,000.00, and Notti says that the community, after the formation of a municipal government, would probably be eligible for "about \$175,000."

In a recently circulated draft copy of the Governor's Task Force on State, Federal and Tribal Relations, the same point is reiterated. Of the incorporated and unincorporated communities surveyed, the communities with municipal governments receive an average of \$75,000 more in state funds per year than their unincorporated counterparts.

Akiachak itself suffered a cut in funding of approximately \$100,000 during one of the past two years since it acted to dissolve its city government.

Advocates of Native government, however, argue that there is no reason for such a disparity in funding; the needs of the community remain the same, whether incorporated or not. As Alaskan residents, they say they

should be entitled to the same types and amounts of aid. They also point out that as federally chartered Native governments, they would perhaps exercise control over some powers not granted to municipal governments, which would allow them to preserve more of the traditional elements of a Native lifestyle.

Some of those powers, though yet to be determined definitively, might include some input into fish and game regulation, more local control of education, tribal court systems, and possibly the power to restrict whites from voting or holding office in those communities.

Unfortunately, no one really knows what powers would be freely exercised by such governments, free of state and federal interference. The answer to the question of how the dissolution of a municipal government in favor of the tribal option would affect the lives of Natives and non-Natives in bush communities rests somewhere in the gray area of federal Indian law. Partially due to the decision by the Local Boundary Commission, it may be many years before such questions are fully answered.