

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2014-23

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ESTABLISHING THE LEVEL OF FUNDING FOR THE DILLINGHAM CITY SCHOOL DISTRICT FOR THE FISCAL YEAR ENDING JUNE 30, 2015

WHEREAS, Alaska Statute 14.14.060(c) provides that the Dillingham School Board ("School Board") shall submit the school budget for the following year by May 1 for approval of the total amount; and

WHEREAS, the Dillingham City Council ("City Council") shall determine the total amount of money to be made available from local sources for school purposes within 30 days after the School District presents the budget request to the City; and

WHEREAS, the School Board submitted a proposed FY 2015 Budget of \$11,856,355 which includes a request of \$1,300,000, filed at City Hall on April 1, 2014; and

WHEREAS, the City Council shall determine the total amount of money to be made available from local sources for School purposes and shall furnish the School Board with a statement of this sum on or before May 31, 2014; and

WHEREAS, AS 14.17.410(2) requires a contribution from the City in the amount of the equivalent of a 2.65 mill tax levy on the full and true value of the taxable real and personal property as of January 1, 2013, (property values as of January 1 of the previous year from Alaska Taxable Report) which is calculated to be a local contribution in the amount of \$545,946; and

WHEREAS, the City Council wishes to allocate the minimum required amount to meet the City's legal obligation which is 2.65 mill equivalent to property tax or \$545,946, and 1% of sales tax equivalent, estimated at \$452,184, a total of \$998,130 for the education operating budget for the Fiscal Year ending June 30, 2015; and

WHEREAS, the actual amount to be appropriated for School District purposes will be made a part of the City's FY 2015 Budget;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council has determined regarding additional funds which may be available to the School District based upon State funding of local governments and other information made available by this date, that the school appropriation be set at \$1.3 Million with \$1.25 Million for instruction and operating costs and \$50,000 for major maintenance for FY 2015.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on May 1, 2014.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

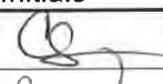
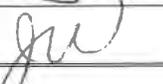
Subject: A resolution of the Dillingham City Council establishing the level of funding for the Dillingham City School District for the fiscal year ending June 30, 2015

Agenda of: May 1, 2014

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade		
X	City Clerk / Janice Williams		

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Attachment(s):

- FY 2015 Dillingham City School District Budget

Summary Statement.

The DCSD budgeted revenues from the City are \$1.3M less \$100,000 toward the school bond payment same as the prior year.

The mill rate used to calculate the City's contribution for school funding was decreased from 4 mills to 2.65 mills in 2012.

Dillingham City School District



Dillingham, Alaska

FY 2015 FINAL BUDGET

March 24, 2014

Bernina Venua, School Board President
William McLeod, Superintendent

Patricia Luckhurst, Vice President
Kimberly Williams, Board Member
Chris Napoli, Board Member
Tonya O'Connor, Board Member
Brian Venua, Student Representative

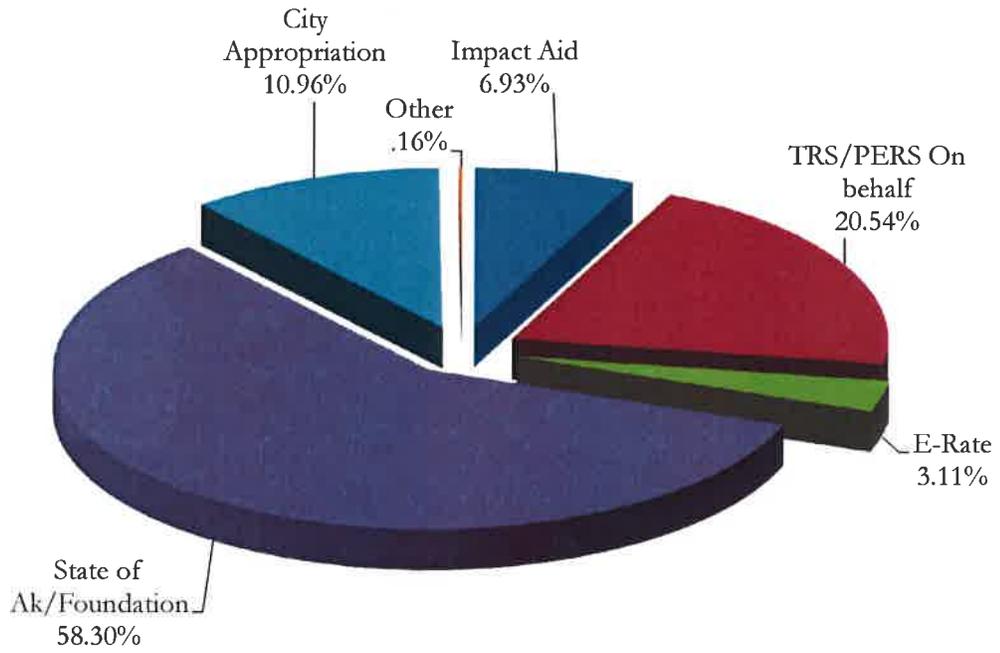
DILLINGHAM CITY SCHOOL DISTRICT

Revenue Budget

FY 2015 Final Budget

	<u>FY 2014</u> <u>Final</u>	<u>FY 2015</u> <u>Final</u>	<u>Change</u>
FUND 100: School Operating			
City Appropriation	\$ 1,300,000	\$ 1,300,000	\$ -
State of Alaska Foundation	6,363,812	6,784,984	421,172
Other State Revenue:		126,868	126,868
TRS On-Behalf	1,489,385	2,194,692	705,307
PERS On-Behalf	140,209	240,681	100,473
Impact Aid (Federal)	864,727	821,491	(43,236)
E-Rate	368,639	368,639	-
Interest	-	-	-
Other Revenue	19,000	19,000	-
Fund Balance	-	-	-
FUND TOTAL	10,545,772	11,856,355	1,310,583
TOTAL GENERAL FUND REVENUE	\$ 10,545,772	\$ 11,856,355	\$ 1,310,583

REVENUES BY SOURCE FY 2015 FINAL BUDGET



DILLINGHAM CITY SCHOOL DISTRICT

Expenditure Summary by Department

FY 2015 Final Budget

Loc/Function	Department	FY 2014 Final Budget	FY 2015 Final Budget	Change Increase (Decrease)
099 100	District-wide Regular Instruction	\$ 28,828	\$ 29,514	\$ 686
099 130	District-wide Gifted & Talented	9,803	10,317	514
099 180	District-wide Technology	728,713	789,763	61,050
099 190	District-wide Home School Correspond	10,000	18,804	8,804
099 220	District-wide Special Education Support	244,386	304,712	60,326
099 350	District-wide Instructional Support	98,210	103,191	4,981
099 511	School Board	28,400	28,400	-
099 512	Superintendent's Office	293,379	305,654	12,275
099 550	District Admin Support-Fiscal Services	173,082	189,706	16,624
099 551	Business Office	190,671	204,399	13,728
099 553	Personnel Office	74,278	70,817	(3,461)
099 605	District-wide Maintenance/Janitorial	1,318,266	1,360,428	42,162
099 700	District-wide Student Activities (State C	25,000	40,000	15,000
099 900	Transfers - Food Service	91,728	71,064	(20,664)
099 900	Transfers - Student Activities	250,000	250,000	0
099 900	Transfers - Student Transportation	20,000	-	(20,000)
032	Elementary School	3,082,133	3,530,773	448,640
015	High/Middle School	3,574,435	4,035,697	461,262
005	Alternative Program	\$ 470,743	\$ 513,117	\$ 42,374
Totals		\$ 10,712,055	\$ 11,856,355	\$ 1,144,300

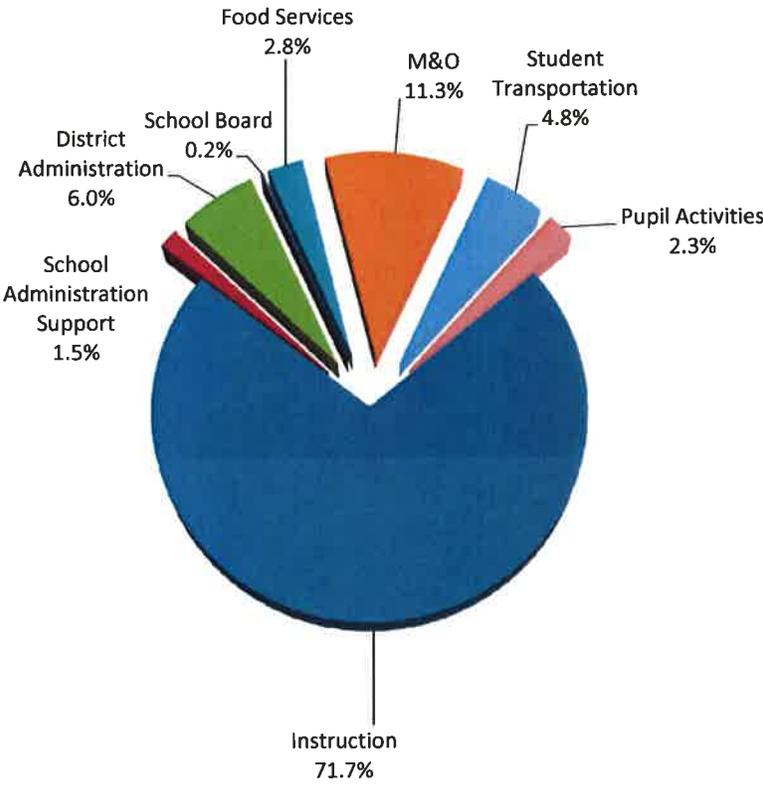
DILLINGHAM CITY SCHOOL DISTRICT

Expenditure Summary by Function

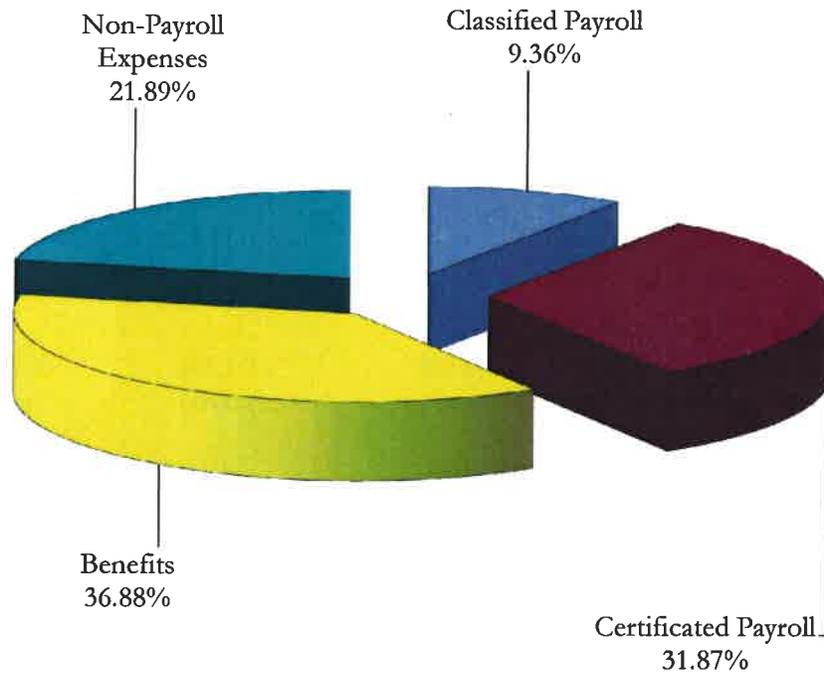
FY 2015 Final Budget

Function	FY 2014 Final	FY 2015 Final	Increase (Decrease)	Percent Increase	Percent of FY 2015 Total
Instruction:					
100 Regular Instruction	\$ 4,411,991	\$ 5,252,386	\$ 840,395		44.30%
130 Gifted & Talented	9,803	10,317	514		0.09%
150 Bilingual/Bicultural	154,432	175,494	21,062		1.48%
160 Vocational Instruction	291,083	291,005	(78)		2.45%
180 Technology	728,713	789,763	61,050		6.66%
190 Home School Correspondence	10,000	18,804	8,804		0.16%
200 Special Education	1,395,673	1,468,404	72,731		12.38%
220 Special Education Support Serv	244,386	304,712	60,326		2.57%
320 Guidance	217,891	253,316	35,425		2.14%
330 Health Services	400	400	-		0.00%
350 Instructional Support	98,210	103,191	4,981		0.87%
352 Library	44,107	44,785	678		0.38%
400 School Administration	408,718	430,522	21,804		3.63%
Total Instruction	8,015,407	9,143,099	1,127,692	14.07%	77.12%
450 School Administration Support	231,844	192,788	(39,056)	0.00%	1.63%
511 School Board	28,400	28,400	-	0.00%	0.24%
512 Superintendent's Office	293,379	305,654	12,275	4.18%	2.58%
550 District Admin Support	173,082	189,706	16,624	9.60%	1.60%
551 Business Office	190,671	204,399	13,728	7.20%	1.72%
553 Personnel Office	74,278	70,817	(3,461)	-4.66%	0.60%
605 Maintenance/Janitorial	1,318,266	1,360,428	42,162	3.20%	11.47%
700 Student Activities	25,000	40,000	15,000	60.00%	0.34%
900 Transfers	361,728	321,064	(40,664)	-11.24%	2.71%
TOTAL EXPENSES	\$ 10,712,055	\$ 11,856,355	\$ 1,144,300	10.68%	100.00%

Expenditures by Function FY 2015 Final Budget



Payroll & Non-Payroll Costs FY 2015 Final Budget



DILLINGHAM CITY SCHOOL DISTRICT

Expenditure Summary by Object Code Group

FY 2015 Final Budget

<u>Object Code Description</u>	<u>Codes</u>	<u>FY 2014 Final Budget</u>	<u>FY 2015 Final Budget</u>
Payroll	300 - 329	\$ 4,669,464	\$ 4,888,552
Benefits	350 - 399	3,222,777	4,372,925
Professional Services (Consultants, auditing costs, legal fees, printing charges, microfiche charges)	400 - 419, 440	197,116	302,624
Communications & Advertising	433-434	371,724	401,724
Insurance: Property & Liability	445	102,000	110,000
Travel: Staff and School Board	420	79,000	61,500
Utilities	430 - 432, 436 - 438	509,000	509,000
Repair & Maintenance Services	443 - 444	164,800	281,557
Teaching Supplies, Textbooks	450 - 451, 478	303,319	386,402
Maintenance Supplies & Tools	452 - 456	106,000	107,000
Other Expenses	484, 490 - 492	42,395	45,445
Food Service	552	45,000	71,064
Student Activities	554	220,300	290,000
Transportation	555	20,000	-
Indirect Cost Recovery	495	(57,605)	(49,003)
Equipment and Inventoried Equip	478, 510	36,200	77,567
TOTALS		\$ 10,031,489	* \$ 11,856,357

DILLINGHAM CITY SCHOOL DISTRICT

BENEFITS

Description and Percentage of Gross Payroll

Benefit Costs for FY 2015

Object Code	Description	% of Gross Classified	% of Gross Certificated	Comment
361	Health & Life Insurance ¹	24%	24%	All Full time (7 hrs./day) employees
362	Unemployment	3.00%	3.00%	All employees
363	Workers Comp. Insurance	1.50%	1.50%	All employees
364	F.I.C.A. (Social Security) ²	6.20%		Limit \$117,000 gross per calendar year
364	Medicare (1.45% of Gross)	1.45%	1.45%	Certificated employees hired after 4/1/86 and all Classified wages
365	TRS ³		70.75%	Certificated employees only
366	PERS ³	<u>44.03%</u>	<u> </u>	Classified Employees only
	TOTAL	<u>80.18%</u>	<u>100.70%</u>	
360	Total Classified/Certificated	72.00%	84.00%	
360	W/O On Behalf	58.15%	42.51%	

¹ This is only an average since there are multiple levels of coverage.

² - The employee portion of F.I.C.A was increased back to 6.2%

³ The State of Alaska is providing relief by paying 58.19% and 22.03% of the TRS/PERS amounts respectively.



District-Wide Support

District-Wide Support
FY 2015 Final Budget Summary

Location 099
Functions 100, 180, 190, 220, 350

		FY 2014 Final	FY 2015 Final	Change Increase (Decrease)
<u>Location 099 District-Wide</u>				
100	Regular Instruction	S 28,828	S 29,514	S 686
130	Gifted & Talented Instruction	9,803	10,317	514
180	Information Technology	728,713	789,763	61,050
190	Instructional Support - Correspondence	10,000	18,804	8,804
220	Special Education Support Svcs	244,386	304,712	60,326
350	Instructional Support	98,210	103,191	4,981
700	Student Activities	<u>25,000</u>	<u>40,000</u>	<u>15,000</u>
TOTAL		<u>\$ 1,144,940</u>	<u>\$ 1,296,300</u>	<u>\$ 151,360</u>
1.75 Certificated Positions				
1.5 Classified Position				

District-Wide Regular Instruction 100.099.100..XXX

The budget consists of:

- ▶ Certified Teacher Extra Duty Pay for District-wide Student Testing Coordinator
- ▶ Travel and Payment for Tuition for Employees (per CBA)
- ▶ Training for Powerschool

District-Wide Data Processing 100.099.350.180..XXX

The Data Processing section supports the networking hardware and software necessary for the maintenance and upkeep of the DCSD Wide Area Network.

The budget consists of:

- ▶ .75 Technology Director (.25 Grant Funded), .50 FTE Tech Specialist
- ▶ Travel for network support and training
- ▶ Programming and support to maintain hardware and software

District-Wide Home School Correspondence 100.099.350.190..XXX

The budget consists of:

- ▶ Liaison, supplies, materials and media

Special Education Support Services 100.099.220..XXX

The budget consists of:

- ▶ 1.0 FTE Director of Special Education Support & 1.50 FTE Support Staff
- ▶ Fringe Benefits for salaries above
- ▶ District-wide reports for local, state and federal requirements
- ▶ Establish contracts for Districtwide Speech Therapy, Psychologist, OT and PT Overview (contracts grant funded)
- ▶ Administration of the program to insure compliance with State and Federal regulations.
- ▶ Staff travel to state wide Annual Directors Conference and state wide Annual Special Education Conference

District-Wide Instructional Support 100.099.350..XXX

The budget consists of:

- ▶ Curriculum/Professional Development for on site personnel
- ▶ Supplies, materials and media
- ▶ District-wide reports for local, state and federal requirements
- ▶ Dillingham ICE Liaison
- ▶ Textbook Adoption (Per Board Policy)

District-Wide Instructional Support 100.099.700..XXX

The budget consists of:

- ▶ Funds to supplement State Competition District wide

Dillingham City School District

FY 2015 Final Budget

Location 099 District-wide Instruction & Other Support

Account Code	Description	Comments	FY 2014 Final	FY 2015 Final
<u>Instructional Support</u>				
100.099.100..	316	Extra Duty Certified Teacher/ Student Testing	4,000	4,000
100.099.100..	360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)	686	686
100.099.100..	366	TRS On-behalf	1,642	2,328
100.099.100..	420	Staff Travel	7,500	7,500
		Power School Training		
100.099.100..	440	Other Purchased Services	1,125	1,125
100.099.100..	450	Supplies, Materials, & Media	3,875	3,875
100.099.100..	491	Other Expenses	10,000	10,000
		Payment for Tuition/College Credits		
Total 100	Regular Instruction		28,828	29,514
<u>Gifted & Talented</u>				
100.099.130..	316	Extra Duty Certified Teacher/Coordinator	3,000	3,000
100.099.130..	360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)	571	571
100.099.130..	366	TRS On-behalf	1,232	1,746
100.099.130..	450	Supplies, Materials, & Media	5,000	5,000
Total 130	Gifted & Talented Instruction		9,803	10,317
<u>Information Technology - District Wide Processing</u>				
100.099.350.180..	314	Direct/Coord/Mgr	66,074	70,585
		.75 FTE Tech Director (.25 FTE G		
100.099.350.180..	322	Non Certified Specialist	59,690	30,525
		.50 FTE Tech Specialist - Grant Fu		
100.099.350.180..	360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)	68,862	56,526
100.099.350.180	366	TRS On-behalf	27,992	41,073
100.099.350.180	367	PERS On-behalf	8,166	6,725
100.099.350.180..	410	Professional & Technical	2,100	58,500

Account Code	Description	Comments	FY 2014 Final	FY 2015 Final
100.099.350.180.. 420	Staff Travel	Training	10,000	10,000
100.099.350.180.. 430	Communications	Internet Service; video conf., etc.	333,329	363,329
100.099.350.180.. 440	Other Purchased Services	Maintain Website	24,350	24,350
100.099.350.180.. 443	Equipment Repair & Maint	Repair & Maintenance of Tech Equi	12,500	12,500
100.099.350.180.. 450	Supplies, Materials, & Media		67,475	67,475
100.099.350.180.. 451	Technology	Computer Program Updates	16,175	16,175
100.099.350.180.. 478	Inventoried Equipment	Equipment Under \$5,000	32,000	32,000
Total 180 Information Technology - District Wide			728,713	789,763

Instructional Support

100.099.350.190.. 315	Teacher	Correspondence Liaison	-	2,500
100.099.350.190.. 360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		-	304
100.099.350.190.. 450	Supplies, Materials, & Media	(8 Students X \$2K Ea)	10,000	16,000
Total 190 Home School Correspondence			10,000	18,804

Special Education Support Services

100.099.220.. 314	Direct/Coord/Manager	1.0 FTE	103,664	105,219
100.099.220.. 324	Support Staff	1.5 FTE	17,085	39,477
100.099.220.. 360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		34,095	46,597
100.099.220.. 366	TRS On-behalf		42,564	61,227
100.099.220.. 367	PERS On-behalf		-	5,214
100.099.220.. 410	Professional & Technical		10,000	10,000
100.099.220.. 420	Staff Travel		11,500	11,500
100.099.220.. 433	Communications		635	635
100.099.220.. 440	Other Purchased Services		4,000	4,000
100.099.220.. 450	Supplies		7,643	7,643
100.099.220.. 478	Inventoried Equipment		4,200	4,200
100.099.220.. 490	Dues & Fees	Annual SPED Con Regis; Medicaid Fees	9,000	9,000
Total 220 Special Education Support Services			244,386	304,712

Instructional Support

100.099.350.. 316	Extra Duty	Curriculum Professional Developme	13,000	10,000
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<u>Account Code</u>	<u>Description</u>	<u>Comments</u>	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>
100.099.350..	360	Benefit (PSC, W/C, FICA, HEALTH, TRS, PERS)	2,372	2,372
100.099.350..	366	TRS On-behalf	5,338	5,819
100.099.350..	410	Professional Services	15,000	22,500
100.099.350..	440	Other Purchased Services	2,500	2,500
100.099.350..	450	Supplies, Materials, & Media	5,000	5,000
100.099.350..	471	Textbooks	55,000	55,000
Total 350 Instructional Support			98,210	103,191
 <u>Student Activities</u>				
100.099.700..	425	Student Travel	25,000	40,000
		Expenses for <u>State</u> minus annual gate receipts		
Total 700 Student Activities			25,000	40,000
Total 099 District-Wide Instruction			\$ 1,144,940	\$ 1,296,300



District Administration

FY 2015 Final Budget Summary

Location 099

Functions 511, 512, 550, 551, 553

	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>	<u>Change Increase (Decrease)</u>
<u>Location 099 District-Wide</u>			
Function 511 School Board	\$ 28,400	\$ 28,400	\$ -
512 Office of Superintendent	293,379	305,654	12,275
550 Administrative Fiscal Support	173,082	189,706	16,624
551 Business Office	190,671	204,399	13,728
553 Personnel	<u>74,278</u>	<u>70,817</u>	<u>(3,461)</u>
TOTAL	<u>\$ 759,810</u>	<u>\$ 798,976</u>	<u>\$ 39,166</u>
1.0 FTE Certificated Position			
2.0 FTE Classified Positions			

District-Wide School Board

Budget Code: 100.099.511..XXX

The Budget for the Dillingham City School District Board of Education - the School Board - includes the following:

- ▶ Travel expenses and per diem costs for Board Members, includes annual AASB conference, trip to Juneau for Legislative Liaison
- ▶ Supplies used for the preparation of Board packets
- ▶ AASB Services and their Dues & Fees

District-Wide Office of the Superintendent

Budget Code: 100.099.512..XXX

The budget consists of:

- ▶ Superintendent Salary and Benefits
- ▶ .5 FTE Admin Assistant and Benefits
- ▶ Travel, Supplies and Dues

District-Wide Admin Support - Fiscal Services

Budget Code: 100.099.550..XXX

District Administration Support (Function 550) provides for fiscal support for the District.

The budget consists of:

- ▶ Supplies, dues, fees and Cafeteria Plan service charges
- ▶ Legal Services
- ▶ Annual District Audit
- ▶ District insurance expenses for casualty, general liability, school leaders E&O, travel accident
- ▶ District expense for postage and lease agreement for same

District-Wide Business Office

Budget Code: 100.099.551..XXX

The budget consists of:

- ▶ Support Staff of 1 FTE Accounting Technician
- ▶ Fringe Benefits and Travel
- ▶ Software maintenance of ALIO & Black Mountain
- ▶ Office Supplies
- ▶ Professional Services Contract for Business Manager & Payroll duties
- ▶ Indirect Cost Recovery of 4.83% on applicable grants
- ▶ Dues & Fees for 1 Acct Staff to attend training

District-Wide Personnel Office

Budget Code: 100.099.553..XXX

The budget consists of:

- ▶ Salary and Benefits for a .5 FTE Personnel Officer
- ▶ Travel for Job Fair(s)
- ▶ Office Supplies
- ▶ Registration for ATP and other possible fairs

Dillingham City School District

FY 2015 Final Budget

School Board Location 099 - Function 511

Account Code	Description	Comments	FY 2014 Final	FY 2015 Final
<u>School Board</u>				
100.099.511. 410	Professional & Technical	AASB Strategic Planning	S 3,400	S 3,400
100.099.511. 420	Travel & Per Diem		13,000	13,000
100.099.511. 440	Other Purchased Services	AASB Policy Update Service	2,500	2,500
100.099.511. 450	Supplies, Materials, & Media		3,000	3,000
100.099.511. 491	Other Expenses	AASB Annual Dues & Fees	<u>6,500</u>	<u>6,500</u>
Total 511 School Board			<u>28,400</u>	<u>28,400</u>
<u>Office of the Superintendent</u>				
100.099.512. 311	Superintendent		112,000	113,680
100.099.512. 324	Support Staff	.5 Assistant	32,807	30,539
100.099.512. 360	Benefit (HSC, W/C, FICA, HEALTH, TRS, PERS)		56,159	57,372
100.099.512. 366	TRS On-behalf		56,740	66,150
100.099.512. 367	PERS On-behalf		4,488	6,728
100.099.512. 380	Housing Allowance		12,000	12,000
100.099.512. 420	Travel & Per Diem		8,500	8,500
100.099.512. 433	Communications		1,260	1,260
100.099.512. 450	Supplies, Materials, & Media		7,500	7,500
100.099.512. 491	Dues & Fees	AASA Dues	<u>1,925</u>	<u>1,925</u>
Total 512 Office of the Superintendent			<u>293,379</u>	<u>305,654</u>
<u>District Administration Support - Fiscal Services</u>				
100.099.550. 412	Auditing & Accounting Services	Required annual audit	38,000	38,000
100.099.550. 414	Legal Services		15,000	28,624

Account Code	Description	Comments	FY 2014 Final	FY 2015 Final
100.099.550. 433	Telephone, Postage & Advertising	For all DW Mailings	20,000	20,000
100.099.550. 440	Other Purchased Services	Maintenance of DC copier, Postage Machine	42,782	42,782
100.099.550. 443	Equipment Repair	Fax, Printers, Copiers	6,000	6,000
100.099.550. 445	Insurance Premiums	General Liability, School Ldrs E&O, Travel Ins and Crime	32,000	35,000
100.099.550. 450	Supplies, Materials, & Media	Mail Supplies, Paper, Toner	9,300	9,300
100.099.550. 491	Other Expenses	Cafeteria Plan Admin Fees ; Annual WF Account Fee, SOA FICA Admin	<u>10,000</u>	<u>10,000</u>
Total 550	District Administration Support - Fiscal Svcs		<u>173,082</u>	<u>189,706</u>
<u>Business Office</u>				
100.099.551. 324	Support Staff	1.0 FTE	39,550	48,003
100.099.551. 360	Benefit (ESC, W/C, FICA, HEALTH, TRS, PERS)		35,822	32,974
100.099.551. 367	PERS On-behalf		5,409	10,575
100.099.551. 410	Professional Services	BM, Payroll Services	131,345	141,600
100.099.551. 420	Staff Travel	Professional Develop Trng	1,500	1,500
100.099.551. 440	Other Purchased Services	Alio annual Software Maintenar EMA support	15,000	15,000
100.099.551. 450	Supplies, Materials, & Media	Paper, Check Stock, W2-1099 fo Envelopes, etc.	3,000	3,000
100.099.551. 495	Indirect Charges	Grant Admin Recovery	(41,705)	(49,003)
100.099.551. 491	Other Expenses	Registration for 1 Annual Workshop	<u>750</u>	<u>750</u>
Total 551	Business Office		<u>190,671</u>	<u>204,399</u>
<u>Personnel Office</u>				
100.099.553. 321	Non-Certified Manager	.5 FTE HR	32,807	30,539
100.099.553. 360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		22,983	19,550
100.099.553. 367	PERS On-behalf		4,488	6,728
100.099.553. 420	Staff Travel		3,500	3,500
100.099.553. 440	Other Purchased Services		3,000	3,000
100.099.553. 450	Supplies, Materials, & Media		3,000	3,000
100.099.553. 491	Dues & Fees	(ATP Job Fair)	<u>4,500</u>	<u>4,500</u>
Total 553	Personnel Office		<u>74,278</u>	<u>70,817</u>
Total 099	District-Wide Administration		<u>\$ 759,810</u>	<u>\$ 798,976</u>



Maintenance/Janitorial

FY 2015 Final Budget Summary

Location 099
Function 605

	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>	<u>Change Increase (Decrease)</u>
<u>Location 099 District-Wide</u>			
Function 605 Maintenance/Janitorial	\$ 1,318,266	\$ 1,360,428	\$ 42,162
TOTAL	<u>\$ 1,318,266</u>	<u>\$ 1,360,428</u>	<u>\$ 42,162</u>
6.5 FTE Classified Positions			

District-Wide Maintenance/Janitorial



Budget Code:

100.099.605..XXX Maintenance/Janitorial

The budget consists of:

- ▶ Salary for 1.0 FTE Director, 4.0 FTE Custodians, 1.0 FTE Maintenance Tech, and .5 FTE Expeditor
- ▶ Summer Temps and Substitute Custodians and Benefits
- ▶ Snow Removal, Water, Sewer, Electricity, Heat and Garbage Removal
- ▶ Special Services for inspections and testing of the systems
- ▶ Repair and Maintenance of equipment and buildings
- ▶ Supplies, gas and vehicle repairs
- ▶ Insurance for buildings, contents, and auto

Dillingham City School District

FY 2015 Final Budget

Maintenance/Janitorial

Location 099

Account Code	Description	Comments	FY 2014 Final	FY 2015 Final
<u>Maintenance/Janitorial</u>				
100.099.605.. 321	Dir/Coord/Mgr	1.0 FTE Director	81,002	82,218
100.099.605.. 325	Custodial/Maintenance	1 Maintenance, & [1] .5 Expeditor 4.0 FTE Custodians	204,421	200,773
100.099.605.. 328	Temporary Hire		12,500	12,500
100.099.605.. 329	Substitutes		20,000	20,000
100.099.605.. 360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		109,761	114,977
100.099.605.. 367	PERS On-behalf		27,965	62,343
100.099.605.. 430	Utilities/Snow Removal		13,500	13,500
100.099.605.. 431	Water/Sewer		13,500	13,500
100.099.605.. 432	Garbage Service		22,000	22,000
100.099.605.. 436	Electricity		300,000	300,000
100.099.605.. 438	Fuel/Supplemental Heat		160,000	160,000
100.099.605.. 440	Other Purchased Services*		90,000	90,000
100.099.605.. 443	Equipment Repair		5,000	5,000
100.099.605.. 444	Building Repair		40,000	40,000
100.099.605.. 445	Insurance (Property & Auto)		70,000	75,000
100.099.605.. 452	Maintenance Supplies		100,000	100,000
100.099.605.. 456	Transportation Supplies		3,000	3,000
100.099.605.. 465	Gasoline		4,000	4,000
100.099.605.. 478	Inventoried Equip.>5K		41,367	41,367
100.099.605.. 491	Other Expense - Dues & Fees		<u>250</u>	<u>250</u>
Total 605 Maintenance/Janitorial			<u>1,318,266</u>	<u>1,360,428</u>



Transfers

FY 2015 Final Budget Summary

Location 099 - Function 900

	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>	<u>Change Increase (Decrease)</u>
<u>Location 099 District-Wide - Fund Transfers</u>			
Function 900			
552 Food Service Transfer	\$ 91,728	\$ 71,064	\$ (20,664)
554 Student Activities	250,000	250,000	-
557 Student Transportation Transfer	<u>20,000</u>	<u>-</u>	(20,000)
TOTAL	<u>\$ 361,728</u>	<u>\$ 321,064</u>	<u>\$ (40,664)</u>

District-Wide Transfers

Budget Code:

100.099.900..552	Food Service Fund Transfer
100.099.900..554	Student Activities
100.099.900..555	Student Transportation Fund Transfer

The budget consists of:

- ▶ The District subsidizes the Food Service program
- ▶ The District Student Transportation program (if subsidized)
- ▶ The District subsidizes the Student Activities & State Tournament Expenses

Dillingham City School District

FY 2015 Final Budget

Transfers Location 099

<u>Account Code</u>	<u>Description</u>	<u>Comments</u>	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>
<u>Food Service</u>				
100.099.900. 552	Food Service Transfer		91,728	71,064
<u>Student Activities</u>				
100.099.900. 554	Student Activities Transfer		250,000	250,000
<u>Student Transportation</u>				
100.099.900. 555	Student Transportation Transfer		20,000	0
Total 900 Transfers			<u>361,728</u>	<u>321,064</u>



Elementary School

Elementary School

FY 2015 Final Budget Summary

Location 032

	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>	<u>Change Increase (Decrease)</u>
<u>Location 032 Elementary School</u>			
100 Regular Instruction	\$ 2,006,884	\$ 2,357,090	\$ 350,206
150 Bilingual/Bicultural	76,691	87,222	10,531
200 Special Education	621,365	677,334	55,969
320 Guidance Services	86,337	105,616	19,279
330 Health Services	400	400	-
352 Library Services	25,219	25,622	403
400 School Administration	185,773	199,542	13,769
450 School Administration Support	79,464	77,947	(1,517)
TOTAL	<u>\$ 3,082,133</u>	<u>\$ 3,530,773</u>	<u>\$ 448,640</u>

22.0 FTE Certificated Teachers
1.0 FTE Certificated Administrator
7.5 FTE Classified Positions

Dillingham City School District

FY 2015 Final Budget

Location 032 Elementary School

<u>Account Code</u>	<u>Description</u>	<u>Comments</u>	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>
<u>Regular Instruction</u>				
100.032.100..	315 Certificated Teachers	16.5 FTE Teachers	S 1,074,972	S 1,103,813
100.032.100..	329 Substitutes	135 Substitute Days	39,000	39,000
100.032.100..	360 Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		372,888	493,327
100.032.100..	366 TRS On-behalf		441,383	642,309
100.032.100..	443 Equipment Repair	Copier, Fax Repairs	9,700	9,700
100.032.100..	450 Supplies, Materials & Media	Classroom Supplies, consumables	58,941	58,941
100.032.100..	451 General Supplies	Paper, Copier Toner	<u>10,000</u>	<u>10,000</u>
Total 100 Regular Instruction			<u>2,006,884</u>	<u>2,357,090</u>
<u>Bilingual Instruction</u>				
100.032.150..	315 Certificated Teachers	.50 FTE Teacher	40,900	41,514
100.032.150..	329 Substitutes		950	950
100.032.150..	360 Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		18,047	20,601
100.032.150..	366 TRS On-behalf		<u>16,794</u>	<u>24,157</u>
Total 150 Bilingual Instruction			<u>76,691</u>	<u>87,222</u>
<u>Special Education</u>				
100.032.200..	315 Certificated Teachers	4.0 FTE Teachers	176,665	237,128
100.032.200..	323 Support Staff	6.0 FTE Aides	176,048	133,118

<u>Account Code</u>	<u>Description</u>	<u>Comments</u>	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>
100.032.200..	329 Substitutes	3.0 Teacher's sub X 10 days	5,700	5,700
100.032.200..	360 Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		162,330	130,078
100.032.200..	366 TRS On-behalf		72,539	137,985
100.032.200..	367 PERS On-behalf		24,083	29,326
100.032.200..	450 Supplies, Materials & Media		4,000	4,000
Total 200 Special Education			621,365	677,334

Counseling

100.032.320..	315 Certificated Teachers	1.0 FTE Teacher	50,116	55,141
100.032.320..	360 Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		15,643	18,388
100.032.320..	366 TRS On-behalf		20,578	32,087
Total 320 Counseling			86,337	105,616

Health

100.032.330..	450 Supplies, Materials & Media	First Aid Supplies	400	400
Total 330 Health			400	400

Library Services

100.032.352..	324 Support Staff	.5 FTE Aide	14,063	14,343
100.032.352..	360 Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		6,812	5,699
100.032.352..	367 PERS On-behalf		1,924	3,160
100.032.352..	450 Supplies, Materials & Media	RIF & Battle of the Books	1,900	1,900
100.032.352..	491 Other Expenses	Regis for Battle of Books	520	520
Total 352 Library Services			25,219	25,622

School Administration

<u>Account Code</u>	<u>Description</u>	<u>Comments</u>	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>
100.032.400..	313 Certificated Principal	1.0 FTE Principal	96,657	98,107
100.032.400..	360 Benefits (ESC, W/C, FICA, HEALTH,TRS, PERS)		38,429	33,347
100.032.400..	366 TRS On-behalf		39,687	57,088
100.032.400..	420 Staff Travel	Fall Principal Conference	3,000	3,000
100.032.400..	433 Communications	Basic and Long Distance	5,000	5,000
100.032.400..	450 Supplies, Materials & Media		2,000	2,000
100.032.400..	491 Other Expenses	AASA Dues - Principals	1,000	1,000
Total 400 School Administration			<u>185,773</u>	<u>199,542</u>
<u>School Administration Support</u>				
100.032.450..	324 Support Staff	1.0 FTE Secretary	35,020	35,712
100.032.450..	329 Substitutes		3,750	3,750
100.032.450..	360 Benefits (ESC, W/C, FICA, HEALTH,TRS, PERS)		34,403	29,118
100.032.450..	367 PERS On-behalf		4,791	7,867
100.032.450..	450 Supplies, Materials & Media	Office Supplies	1,500	1,500
Total 450 School Administration Support			<u>79,464</u>	<u>77,947</u>
Total 032 Elementary School			<u>\$ 3,082,133</u>	<u>\$ 3,530,773</u>



Middle School

Middle/High School

FY 2015 Final Budget Summary

Location 015

		<u>FY 2014</u> <u>Final</u>	<u>FY 2015</u> <u>Final</u>	<u>Change</u> <u>Increase</u> <u>(Decrease)</u>
<u>Location</u>	<u>015</u>	<u>Middle/High School</u>		
100	Regular Instruction	S 2,047,225	S 2,478,828	S 431,603
150	Bilingual/Bicultural	77,741	88,272	10,531
160	Vocational	291,083	291,005	(78)
200	Special Education	727,269	739,713	12,444
320	Guidance Services	131,554	147,700	16,146
352	Library Services	18,888	19,163	275
400	School Administration	196,052	201,893	5,841
450	School Administration Support	84,623	69,122	(15,501)
TOTAL		<u>\$ 3,574,435</u>	<u>\$ 4,035,697</u>	<u>\$ 461,262</u>

25 FTE Certificated Teachers
1.0 FTE Certificated Administrator
8.50 FTE Classified Staff

Dillingham City School District

FY 2015 Final Budget

Location 015 Middle/High School

Account Code	Description	Comments	FY 2014 Final	FY 2015 Final	
<u>Regular Instruction</u>					
100.015.100..	315	Certificated Teacher	17.5 FTE Teachers	S 1,069,297	S 1,160,398
100.015.100..	320	Non-Certificated Specialist	1.0 FTE RTP	25,970	25,977
100.015.100..	329	Substitutes	180 Substitute Days	54,000	54,000
100.015.100..	360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		391,352	493,495
100.015.100..	366	TRS On-behalf		439,053	675,236
100.015.100..	367	PERS On-behalf		3,553	5,723
100.015.100..	440	Other Purchased Services		4,000	4,000
100.015.100..	443	Equipment Repair		5,000	5,000
100.015.100..	450	Supplies, Materials & Media		45,000	45,000
100.015.100..	451	Supplies, Materials & Media	Paper, toner, etc.	10,000	10,000
Total	100	Regular Instruction		<u>2,047,225</u>	<u>2,478,828</u>
<u>Vocational Instruction</u>					
100.015.160..	315	Certificated Teacher	2.0 FTE Teachers	146,657	130,050
100.015.160..	329	Substitutes		3,000	3,000
100.015.160..	360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		47,016	48,086
100.015.160..	366	TRS On-behalf		60,217	75,676
100.015.160..	440	Other Purchased Services	Rental of Cyl Tanks	3,500	3,500
100.015.160..	443	Equipment Repair		500	500
100.015.160..001	450	Supplies, Materials & Media	Construction Lab	24,373	24,373
100.015.160..002	450	Supplies, Materials & Media	Business Lab	5,820	5,820
Total	160	Vocational Instruction		<u>291,083</u>	<u>291,005</u>

<u>Account Code</u>	<u>Description</u>	<u>Comments</u>	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>
<u>Bilingual/Bicultural</u>				
100.015.150..	315	Certificated Teacher .50 FTE Bilingual	40,900	41,514
100.015.150..	329	Substitutes	500	500
100.015.150..	360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)	18,047	20,601
100.015.150..	366	TRS On-behalf	16,794	24,157
100.015.150..	450	Supplies, Materials & Media	<u>1,500</u>	<u>1,500</u>
Total	150	Bilingual/Bicultural	<u>77,741</u>	<u>88,272</u>
<u>Special Education</u>				
100.015.200..	315	Certificated Teacher 4.0 FTE Special Education Teacher	263,310	251,542
100.015.200..	323	Classroom Aides 6.0 FTE Aides	152,120	140,472
100.015.200..	329	Substitutes Sub Teacher - Est. 10 days; Aides -	10,125	10,125
100.015.200..	360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)	168,789	156,256
100.015.200..	366	TRS On-behalf	108,115	146,372
100.015.200..	367	PERS On-behalf	20,810	30,946
100.015.200..	450	Supplies, Materials & Media Office Supplies	<u>4,000</u>	<u>4,000</u>
Total	200	Special Education	<u>727,269</u>	<u>739,713</u>
<u>Guidance</u>				
100.015.320..	315	Certificated Specialist 1.0 FTE Counselor	81,800	83,027
100.015.320..	316	Extra Duty Power School Scheduling	1,800	1,800
100.015.320..	360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)	12,867	13,060
100.015.320..	366	TRS On-behalf	33,587	48,313
100.015.320..	450	Supplies, Materials & Media	<u>1,500</u>	<u>1,500</u>
Total	320	Guidance	<u>131,554</u>	<u>147,700</u>

<u>Account Code</u>	<u>Description</u>	<u>Comments</u>	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>	
<u>Library Services</u>					
100.015.352..	323	Classroom Aide	.50 FTE Library Aide	12,698	12,950
100.015.352..	360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		1,190	1,213
100.015.352..	440	Other Purchased Services	City of Dillingham Library Agrmt	<u>5,000</u>	<u>5,000</u>
Total	352	Library Services		<u>18,888</u>	<u>19,163</u>
<u>School Administration</u>					
100.015.400..	313	Certificated Principal	1.0 FTE Principal	98,952	100,436
100.015.400..	360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		38,970	25,513
100.015.400..	366	TRS On-behalf		40,630	58,444
100.015.400..	420	Staff Travel	1 Annual Conference	3,000	3,000
100.015.400..	433	Communications	Basic Service & Long Distance	11,500	11,500
100.015.400..	450	Supplies, Materials & Media	Office Supplies	2,000	2,000
100.015.400..	491	Other Expenses	AASA Dues	<u>1,000</u>	<u>1,000</u>
Total	400	School Administration		<u>196,052</u>	<u>201,893</u>
<u>School Administration Support</u>					
100.015.450..	324	Support Staff	1.0 FTE Secretary	37,888	34,653
100.015.450..	329	Substitutes		3,750	3,750
100.015.450..	360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		35,302	20,585
100.015.450..	367	PERS On-behalf		5,183	7,634
100.015.450..	450	Supplies, Materials & Media	Office Supplies	<u>2,500</u>	<u>2,500</u>
Total	450	School Administration Support		<u>84,623</u>	<u>69,122</u>
Total	015	Middle/High School		<u>\$ 3,574,435</u>	<u>\$ 4,035,697</u>



**Alternative
High School**

Alternative Program

FY 2015 Final Budget Summary

**Location 005
Functions 100, 200, 400, 450**

	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>	<u>Change Increase (Decrease)</u>
<u>Location 005 Alternative Program</u>			
100 Regular Instruction	S 329,054	S 386,955	S 57,901
200 Special Education Instruction	S 47,039	S 51,356	S 4,317
400 School Administration	26,893	29,087	S 2,194
450 School Administration Support	<u>67,757</u>	<u>45,719</u>	S (22,038)
TOTAL	<u>\$ 470,743</u>	<u>\$ 513,117</u>	<u>\$ 42,374</u>
2.0 FTE Certificated Teachers			
3.0 FTE Classified Positions			

Dillingham City School District

FY 2015 Final Budget

Location 005 Alternative Program

<u>Account Code</u>	<u>Description</u>	<u>Comments</u>	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>
<u>Regular Instruction</u>				
100.005.100. 315	Certificated Teacher	2.0 FTE Teachers	\$ 143,288	\$ 148,642
100.005.100. 323	Classroom Aides	1.0 FTE Instructional Aide	28,574	29,148
100.005.100. 329	Substitutes		10,440	10,440
100.005.100. 360	Benefits (ESC, W/C, FICA, HEALTH,TRS, PERS)		70,409	80,094
100.005.100. 366	TRS On-behalf		58,834	86,495
100.005.100. 367	PERS On-behalf		3,909	18,536
100.005.100. 440	Other Purchased Services	Copier Maintenance Agrmt	5,100	5,100
100.005.100. 450	Supplies, Materials & Media	Classroom Supplies	7,000	7,000
100.005.100. 451	Supplies, Materials & Media	Paper, Toner, etc.	<u>1,500</u>	<u>1,500</u>
Total 100 Regular Instruction			<u>329,054</u>	<u>386,955</u>
<u>Special Education Instruction</u>				
100.005.200. 323	Classroom Aides	1.0 FTE	27,146	27,146
100.005.200. 360	Benefits (ESC, W/C, FICA, HEALTH,TRS, PERS)		16,179	18,230
100.005.200. 367	PERS On-behalf		<u>3,714</u>	<u>5,980</u>
Total 200 Special Education Instruction			<u>47,039</u>	<u>51,356</u>
<u>School Administration</u>				
100.005.400. 316	Extra Duty Pay		16,800	16,800
100.005.400. 360	Benefits (ESC, W/C, FICA, HEALTH,TRS, PERS)		3,195	2,511
100.005.400. 366	TRS On-behalf		<u>6,898</u>	<u>9,776</u>
Total 400 School Administration			<u>26,893</u>	<u>29,087</u>
<u>School Administration Support</u>				

<u>Account Code</u>	<u>Description</u>	<u>Comments</u>	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>
100.005.450. 324	Support Staff	1.0 FTE	34,311	27,848
100.005.450. 329	Substitutes		2,500	2,500
100.005.450. 360	Benefits (ESC, W/C, FICA, HEALTH, TRS, PERS)		25,752	8,736
100.005.450. 367	PERS On-behalf		4,694	6,135
100.005.450. 450	Supplies, Material, & Media		500	500
Total 450 School Administration Support			<u>67,757</u>	<u>45,719</u>
Total 005 Alternative Program			<u>\$ 470,743</u>	<u>\$ 513,117</u>



Transportation

FY 2015 Final Budget Summary

Location 099

Function 760

	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>	<u>Change</u>
<u>Location 099 District-Wide</u>			
Function 605 Maintenance/Janitorial	\$ 592,650	\$ 606,436	\$ 13,786
TOTAL	<u>\$ 592,650</u>	<u>\$ 606,436</u>	<u>\$ 13,786</u>
.50 FTE Driver			
.50 FTE Bus Aide			

Transportation



Budget Code:

205.099.760..XXX Transportation

The budget consists of:

- ▶ Salary and benefits for a .50 Driver
- ▶ Salary and benefits for a .20 Bus Aide
- ▶ Contracted Regular/Sped Transportation Services (5 Yr Contract 13-17)
- ▶ Repair and Maintenance of Sped Bus
- ▶ Fuel for Sped Bus

Dillingham City School District

FY 2015 Final Budget

Transportation

Location 099

<u>Account Code</u>	<u>Description</u>	<u>Comments</u>	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>
<u>Transportation</u>				
205.099.760 325	Maintenance/Custodial	.5 FTE Driver	22,984	20,010
205.099.760 325	Aide	.5 FTE Bus Aide	3,350	6,800
205.099.760 360	Benefit (ESC, W/C, FICA, HEALTH, TRS, PERS)		19,865	20,197
205.099.760 367	PERS On-behalf		3,645	5,906
205.099.760 440	Other Purchased Services	Contracted Transportation	535,806	546,523
205.099.760 443	Equipment Repair	Sped Bus Maintenance	3,000	3,000
205.099.760 465	Gasoline	Fuel for Special Ed Bus	<u>4,000</u>	<u>4,000</u>
Total 760 Transportation			<u>592,650</u>	<u>606,436</u>



Food Service

FY 2015 Final Budget Summary

**Location 099
Function 790**

	<u>FY 2014 Final</u>	<u>FY 2015 Final</u>	<u>Change</u>
<u>Location 099 District-Wide</u>			
Function 790 Food Service	\$ 342,200	\$ 356,590	\$ 14,390
TOTAL	<u>\$ 342,200</u>	<u>\$ 356,590</u>	<u>\$ 14,390</u>

- 1 Classified Cook
- 1 Lunch Room Worker
- 1 Classified Cooks Helper
- .20 Classified Support Staff

Food Service



Budget Code:

255.099.790..XXX

Food Service

The budget consists of:

- ▶ Salary and Benefit for a Cook
- ▶ Salary and Benefits for 1 Cook Helper/1 Lunchroom Helper and .20 Support Staff
- ▶ Travel for Workshops/Training in Anchorage
- ▶ Stipends for HS Students to serve Breakfast
- ▶ Food & Supplies
- ▶ Equipment under \$5000

Dillingham City School District

FY 2015 Final Budget

Food Service

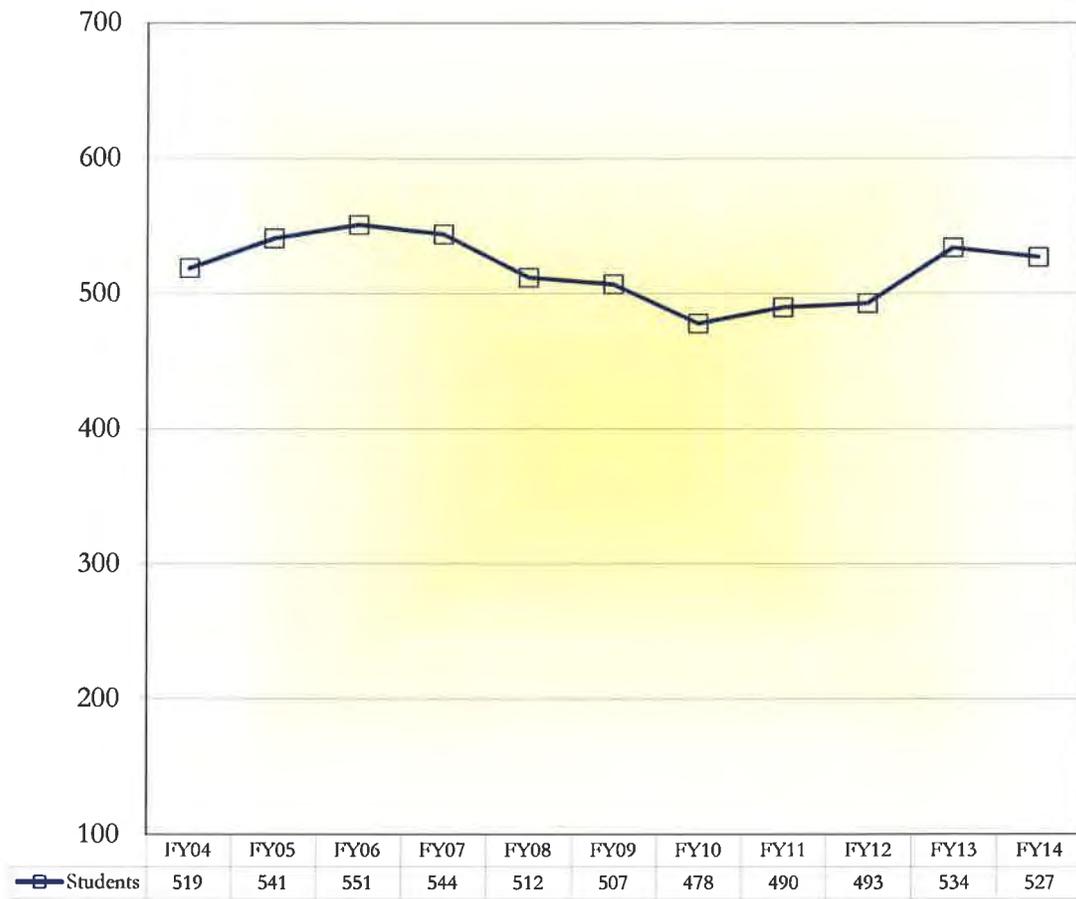
Location 099

Account Code	Description	Comments	FY 2014 Final	FY 2015 Final
<u>Food Service</u>				
255.099.790.	321 Non-Cert Manager		32,270	31,176
255.099.790.	324 Cook	1.0 FTE Cook	65,685	28,843
255.099.790.	324 Cook Helper & Support Staff	1.0 FTE Lunchroom/Cook's Helper .20 FTE Support	0	36,014
255.099.790.	329 Substitutes		4,000	4,000
255.099.790.	360 Benefit (FSC, W/C, FICA, HEALTH, TRS, PERS)		41,165	49,708
255.099.790.	367 PERS On-behalf		13,387	21,156
255.099.790.	420 Travel	Annual ASFSA Conference	4,043	4,043
255.099.790.	450 Supplies		12,000	12,000
255.099.790.	459 Food		163,000	163,000
255.099.790.	478 Equipment	Under \$5,000	5,000	5,000
255.099.790.	485 Stipends	Stipends for HIS Students	<u>1,650</u>	<u>1,650</u>
Total 790 Food Service			<u>342,200</u>	<u>356,590</u>

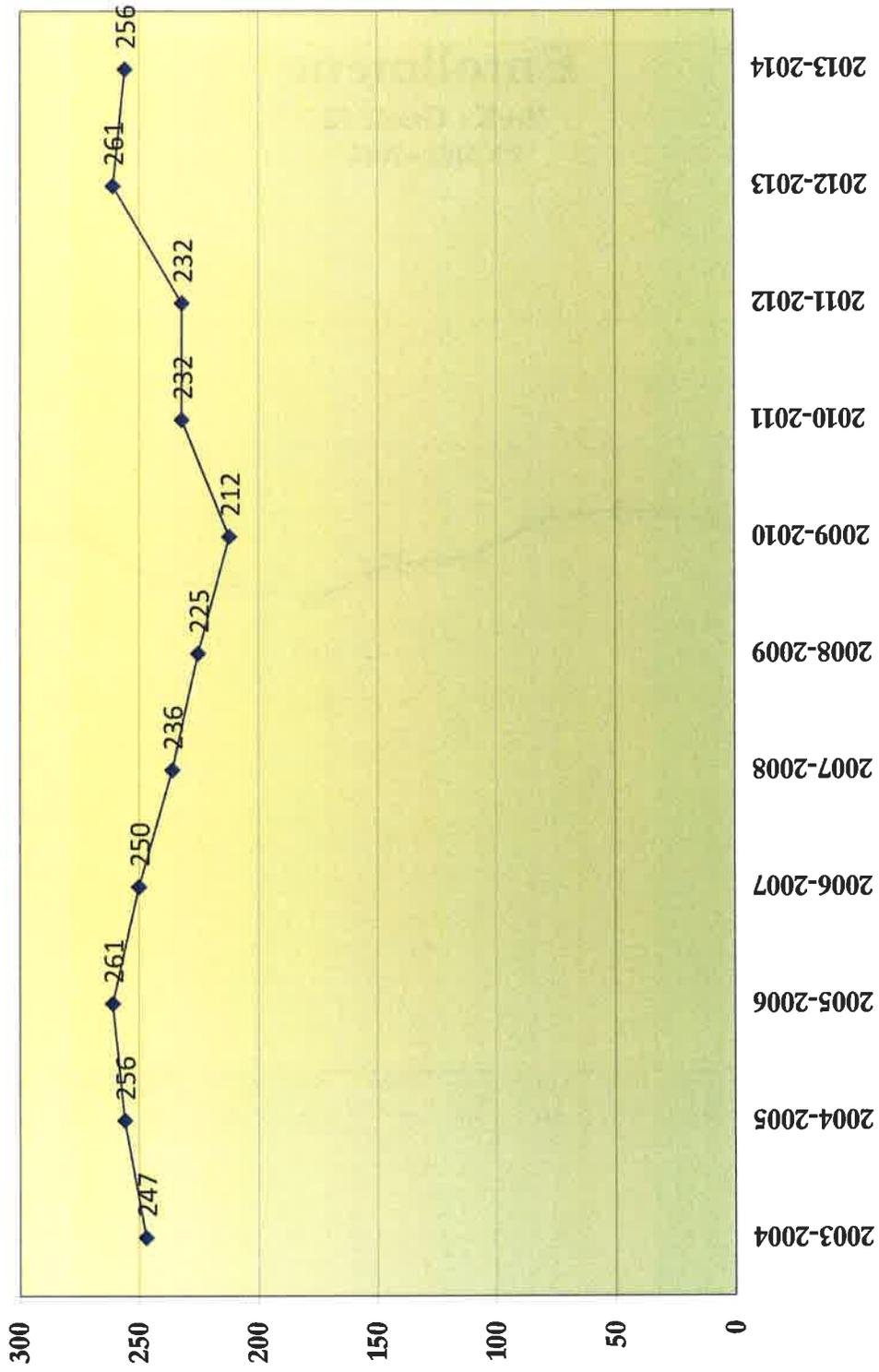
Enrollment

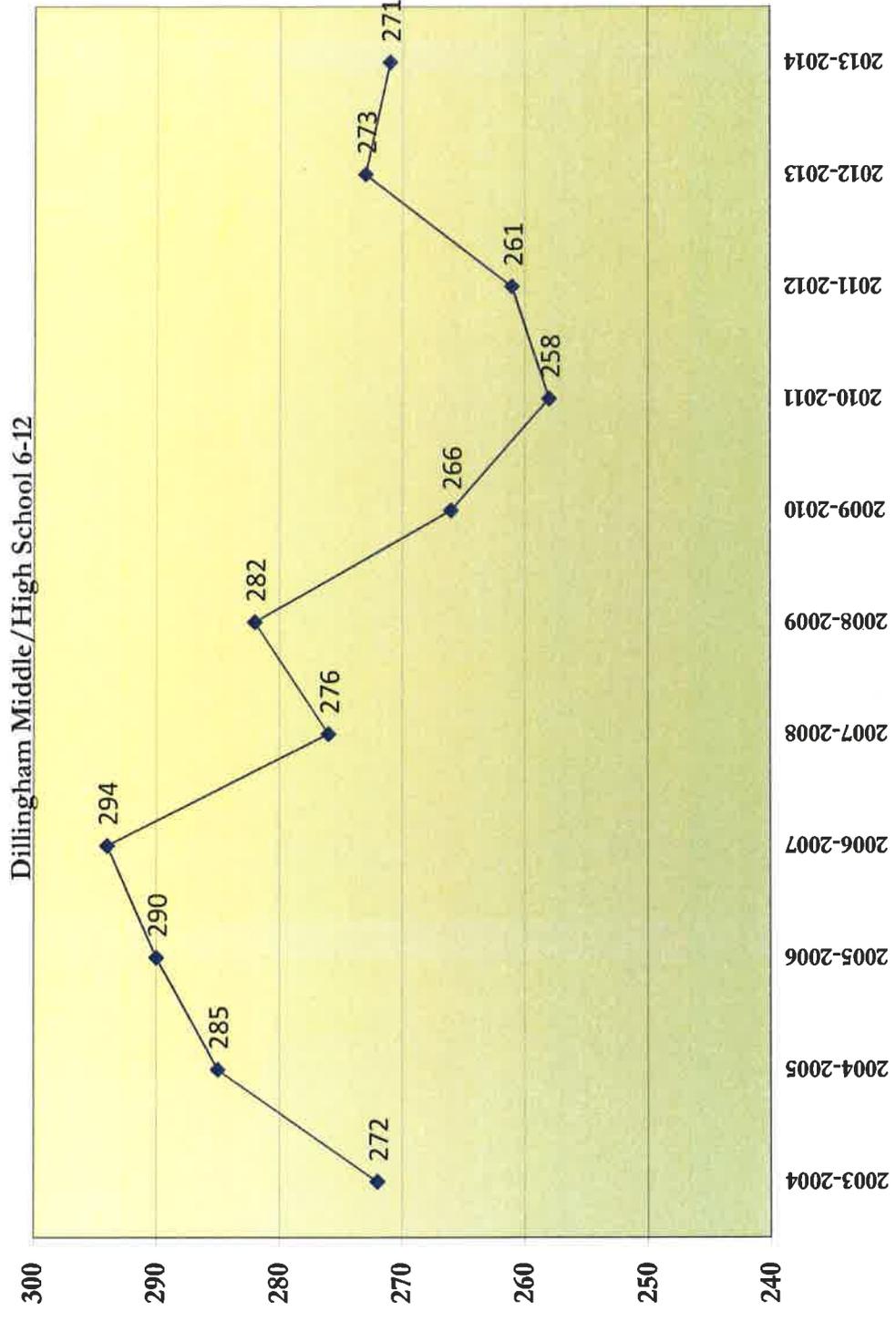
PreK - Grade 12

FY2004 - 2014



Dillingham Elementary Prek - 5





CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2014-24

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ALTMAN, ROGERS & CO., TO PROVIDE AUDIT SERVICES FOR FY 2014, FY 2015 AND FY 2016

WHEREAS, audits of the financial statements of the City of Dillingham are required by state and federal agencies, and for banking and bonding services; and

WHEREAS, the City Council wishes to contract audit services for a period of three years, with a possible extension of two additional years; and

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council hereby authorizes the City Manager to contract with Altman, Rogers, & Co. for FY 2014, FY 2015 and FY 2016 to cover the audit, out-of-pocket expenses, preparation of the OMB data collection form and a presentation to the Council telephonically, for the following not-to-exceed amounts;

BE IT FURTHER RESOLVED that the fee is \$45,432, \$47,062, and \$48,362 for FY2014, FY 2015, and FY 2016 respectively, and is based on the records being in good condition and that the information requested in the audit preparation package will be prepared in a timely manner.

PASSED and ADOPTED by the Dillingham City Council on May 1, 2014.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum No. R2014-24

Subject: A Resolution of the Dillingham City Council Authorizing the City Manager to Execute a Contract with the Accounting firm of Altman, Rogers & Co. to provide Auditing Services for the FY 2014, FY 2015, and FY 2016 fiscal years.

Agenda of: May 1, 2014

City Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	<i>CS</i>	
X	City Clerk / Janice Williams	<i>JW</i>	

Attachment (s). Fiscal Note: Yes X No Funds Available: Yes X No

Summary Statement.

Requests for proposals for audit services were sent to at least three accounting firms and advertised in the Anchorage Daily News for two consecutive weekends. In addition the RFP was posted on the City's website. Two audit firms responded to the RFP, BDO USA, LLP and Altman, Rogers, & Co.

Both firms have good reputations and adequate technical and professional qualifications. Altman, Rogers, and Co. have audited the City six times in the past and BDO USA, LLP before merging with Mikunda, Cottrell had been the City's auditor from fiscal year 1978 through fiscal year 1989, and from Fiscal year 2001 through fiscal year 2013.

Following are the bids from the two companies:

Altman Rogers, & Co.			BDO USA, LLP		
Fiscal Year	Hours	Bid	Fiscal Year	Hours	Bid
2014	260	\$45,432	2014	264	\$52,990
2015	260	47,062	2015	264	55,020
2016	260	48,362	2016	264	57,272

Altman, Rogers, & Co.'s bid includes the out of expenses costs for meals, lodging and transportation for 2 onsite trips for 3 auditors for four days each trip and 2 days for the partner.	BDO USA, LLP's bid includes out of pocket expenses for meal, lodging, and transportation for one onsite trip for 3 auditors for and the audit partner for 2 days.
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**City of Dillingham
Fiscal Note**

Agenda Date May 1, 2014

Request: _____

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
AMOUNT REQUESTED: <p align="right">\$ 140,856.00</p>		FUNDING SOURCE <p align="center">General Fund</p>	
FROM ACCOUNT 1000 7010 10 17 0000 0 <p align="right">\$ 140,856</p>		Project <p align="center">FY14, FY15, FY16 Audit</p>	
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date:	5/1/2014

EXPENDITURES

OPERATING	FY14	FY15	FY16	FY17
Personnel				
Fringe Benefits				
Audit	\$45,432.00	47,062.00	48,362.00	
Major Equipment				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ 45,432.00	\$ 47,062.00	\$ 48,362.00	\$ -

Capital				
---------	--	--	--	--

REVENUE				
---------	--	--	--	--

FUNDING

General Fund	\$ 45,432.00	\$ 47,062.00	\$ 48,362.00	
State/Federal Funds				
TOTAL FUNDING	\$ 45,432	\$ 47,062.00	\$ 48,362.00	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See R 2014-24

PREPARED BY: Carol Shade

May 1, 2014

DEPARTMENT: Finance Department

May 1, 2014

Subject: Authorize the City Manager to Award the Purchase of a Compactor – 1996 Caterpillar Model 816F

Agenda of: **May 1, 2014**

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	Public Works Director / Francisco Garcia		
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes X No _____ **Funds Available:** Yes X No _____

Other Attachment(s): None

Summary Statement.

At the last council meeting through Resolution 2014-20 the council authorized the purchase of a compactor for compacting municipal waste at the landfill. The estimate that was given in this resolution was \$120,000. The actual cost came in at \$139,000 and freight at \$18,229 for a 1996 Caterpillar Model 816F.

This action memorandum is to authorize the City Manager to purchase the compactor at the rate stated above. The purchase was made on April 17, 2014 in order to make the May 5 barge sailing.

We contacted a number of companies such as Major Equipment, Best Equipment and Marcel Equipment Ltd. Major and Best didn't have any 816's in stock when contacted. We found one in Canada which was completely refurbished at \$219,000, found another one in Colorado for \$120,000 with a broken front trunnion which was repaired but we didn't feel this was a good purchase for us. We chose to purchase one from Marcel Equipment Ltd. for \$139,000 as it was ready to go and was able to get to the barge in time.

**City of Dillingham
Fiscal Note**

Agenda Date May 1, 2014

Request: _____

ORIGINATOR: Carol Shade

FISCAL ACTION (TO BE COMPLETED BY FINANCE)		FISCAL IMPACT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
AMOUNT REQUESTED: <p align="right">\$ 139,000.00</p>		FUNDING SOURCE <p align="center">State of Alaska</p>	
FROM ACCOUNT 4470 7620 30 81 3811 0 <p align="right">\$ 139,000</p>		Project <p align="center">Landfill Oxidation Grant</p>	
TO ACCOUNT:	VERIFIED BY: Carol Shade	Date:	5/1/2014

EXPENDITURES

OPERATING	FY14	FY15	FY16	FY17
Personnel				
Fringe Benefits				
Contract				
Major Equipment				
Land/Buildings				
Miscellaneous				
TOTAL OPERATING	\$ -	\$ -	\$ -	\$ -

Capital	\$ 139,000			
---------	------------	--	--	--

REVENUE				
---------	--	--	--	--

FUNDING

General Fund				
State/Federal Funds	139,000			
TOTAL FUNDING	\$ 139,000	\$ -	\$ -	\$ -

POSITIONS

Full-Time				
Part-Time				
Temporary				

ANALYSIS: (Attach a separate page if necessary)

See AM 2014-05

PREPARED BY: Carol Shade

May 1, 2014

DEPARTMENT: Finance Department

May 1, 2014

What can you do? Sort your garbage and recycle

Dillingham residents and businesses are encouraged to sort their garbage and recycle.

Recyclable materials accepted at no charge:

- Aluminum cans
- Ammunition
- Batteries (household, auto, and boat)
- Electronic equipment, including televisions
- Fish Nets
- Fluorescent bulbs
- Glass
- Used Motor Oil

Turn the flyer over to see:

- where you can deliver those recyclable items for free.
- other types of waste that can be recycled.

City of Dillingham Garbage & Recycling

Disposal Information

By June 1, 2014, the City of Dillingham will be making two big changes at its Landfill and Transfer Station:

1. The landfill will stop open burning except for paper, cardboard, and untreated wood, temporarily.
2. Landfill operators will be compacting waste until early next year when the City installs its new incinerator capable of incinerating 95% of its waste.



- May 1, 2014

Landfill to change to Summer/Fall Hours starting on
Sunday, May 11, 2014. New Hours are:
12:00 PM—6:00 PM, Friday through Tuesday
Closed Wednesday and Thursday



City of Dillingham

PO Box 889 Dillingham AK 99576

Box Holder

Dillingham, AK

PRE SRT STD
US POSTAGE
PAID
PERMIT NO 53
DILLINGHAM, AK

RECYCLABLE ITEMS	DELIVER TO	CHARGE
Aluminum and steel cans	Landfill. Senior Center will not accept aluminum cans after May 1, 2014.	N/C (No charge at this time)
Ammunition	Public Safety Building	N/C
Batteries	NAPA Store	N/C
Cardboard, paper, clean wood	Landfill	Landfill Charges
Clean Used Oil	City Shop. Clean used oil <u>only</u> .	N/C
Electronics, Including TVs	Landfill	N/C
Fishing Nets	Boat Harbor	N/C
Fluorescent Bulbs	Landfill. DO NOT BREAK.	N/C
Refrigerators and Freezers	Landfill. Landfill operators are certified to remove Freon.	\$50/no Freon \$75/with Freon
Scrap Metal/Appliances	Landfill	Landfill Charges
Smoke Alarms	Return to manufacturer	
Tires— Remove rims	Landfill. Rims will go in the scrap metal bin.	Landfill Charges
Vehicles	Landfill. Remove all fluids.	\$50

Are you a Dillingham Refuse customer? The City of Dillingham encourages you to recycle. You can continue to place your garbage (paper, plastics, clothes, food and organic matter) in your containers, but we encourage you to bring glass, scrap metal, fluorescent bulbs, and electronics as well as other recyclable items to the landfill.

Physical inspection. The City is required to educate the public on types of waste that can be disposed of and which items the public should separate and dispose of in bins located at the Landfill transfer station. Landfill Operators can make random inspections as authorized by the Alaska Dept. of Environmental Conservation. **PROHIBITIVE WASTES.** Oils and solvents, strong acids, radioactive material.

Incinerator Installation

The City has contracted with the firm of Penram Distributing for a Model PHCA 1700, capable of burning 20 tons a day, using around 61 gallons per burn. The City expects to have it up and running in early 2015. Until then the City will compact its municipal waste and burn paper, cardboard and clean wood only. Some items will continue to be compacted, like sheetrock and home insulation.

Why We Are Doing This

The City's State Landfill Permit is up for renewal June 1, 2014. The City has been working diligently to move from open burning to the on-ly other options available when it renews its permit, which are incineration, compacting, and baling.

Contact Information:

City of Dillingham
Landfill 842-1666

RECEIVED

CITY OF DILLINGHAM
CITY CLERK

Brooks W. Chandler
AK Bar No. 8310109
BOYD, CHANDLER & FALCONER, LLP
911 W. 8th Avenue, Suite 302
Anchorage, AK 99501
(907) 272-8401
Attorneys for Appellee

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT DILLINGHAM**

NATIVE VILLAGE OF EKUK,)	
)	
Appellant,)	
)	
vs)	CASE NO. 3DI-12-00022 CI
)	
LOCAL BOUNDARY COMMISSION)	
AND CITY OF DILLINGHAM,)	
)	
Appellee.)	
)	

MEMORANDUM IN SUPPORT OF MOTION FOR RECONSIDERATION

The Court should reconsider its March 27, 2014 *Order on Appeal* for the following reasons:¹

1. The Court overlooked the pre-filing notice and opportunity for input provided by the City of Dillingham when the Court concluded Dillingham “did not hold a public hearing prior to filing the annexation petition” and “merely placed copies of its proposed petition in three physical locations in Dillingham and on Dillingham’s website

¹ The City incorporates by reference all points raised by Appellee Local Boundary Commission in its Motion for Reconsideration

several weeks before filing the petition on July 2, 2010", and that "the only public hearing on the petition was in Dillingham on April 25, 2011". (Decision p. 14)

2. Similarly, the court's statement that "by the time local citizens were able to express their views on the petition, the petition had already been finalized and, indeed, the Commission was about to render its decision" ignores facts in the record as set forth in the consultation report. In particular, the court failed to consider that public input and consultation were acted on by the City of Dillingham following multiple public hearings before annexation became effective.

3. The court incorrectly concluded that being able to "contribute" to the preparation of an annexation petition is a due process right.

4. The apparent remedy ordered by the court fails to allow for reasoned agency decision making. If the Court concludes the LBC failed to consider requiring legislative review of the petition, the proper remedy is a remand to the LBC to consider requiring legislative review. Alternatively, if the Court continues to direct the LBC regarding processing the annexation by legislative review, the Court should direct LBC to submit the annexation petition to the Legislature in January 2015.

A. The Court Overlooked the Pre-Filing Public Process

The annexation petition did not drop out of the sky in June of 2010.² The public process followed by the City is set forth in detail in the city's eighty-three page

² The petition was dated June 14, 2010. [Exc. 1]. It was accepted for filing by the LBC on July 2, 2010. After being accepted the public copies of the petition were updated July 9, 2010, and again in September 2010. [Exc. 242].

consultation report. [Exc. 605-631, R. 97-180]. The accuracy of this report was not disputed by Ekuk³. The report was accepted by the Commission. The court should review this report in full⁴. There are multiple statements in the Order that are inconsistent with the undisputed facts contained in the Consultation Report.

The City held multiple Annexation Workshops between March 17, 2009, and June 23, 2010. These were all publically noticed including notices broadcast on KDLG whose signal extends throughout the region. [Exc. 611, R. 101]. In addition, before the annexation petition was filed the city's "Public Outreach Committee" held seven publically noticed meetings, also advertised on KDLG, at which annexation was on the agenda. Id. These meetings were held monthly between September 16, 2009, and June 8, 2010.

Annexation was also considered at meetings of the Dillingham City Council. These meetings are also publically noticed via postings and specific e-mail notices and via KDLG. The actual decision to authorize preparation of the annexation petition was made by adoption of Resolution 2010-07 at a city council meeting held February 11, 2010, four months before the petition was actually filed. [Exc. 66] Anyone in attendance at this meeting had an opportunity to comment and provide input on the record. See, DMC 2.09.010(C).

³ See, R. 80-83 which requested additional consultation but did not make any claim the consultation report was inaccurate and R. 37-39 (City's Objection).

⁴ Only portions of the report were included in the Appellee's Excerpt of Record.

In light of these facts in the record the Court's statements regarding the absence of pre-filing public hearings is simply incorrect. The City understands Commissioner Harachuk (and perhaps the Court) would have preferred more direct pre-filing outreach, however, the public meetings that were held exceed the requirement for a single pre-filing public hearing contained in 3 AAC 110.425(a). The court's conclusion residents from outside Dillingham were deprived of a chance to "contribute" to the petition or "have suggestions incorporated" into a petition is very wrong and needs to be corrected on reconsideration.

B. The Order Distorts the Record Regarding Post-Filing Public Hearings.

Also severely overstated is the Court's conclusion that local citizens were not able to express their views on annexation until the Commission was about to render its decision. Again, the Court should review the consultation report. After the petition was filed the City held its own informational meetings.⁵ These were held in Dillingham, Aleknagik, Clark's Point, and Manokotak between August 2 and August 10⁶. [Exc. 606]. These were held after the petition was filed with the LBC. To the extent the court believes at least one of these meetings should have been held before June 14, these

⁵ The Court's Order focuses on canceled informational meetings the LBC attempted to hold (Order p.4) without even mentioning similar meetings which were actually conducted by the City. There is no logical reason City sponsored informational meetings should not be considered in the Court's evaluation of the annexation process.

⁶ As the consultation report indicates, the primary concerns expressed during these meetings did not focus on the boundary configuration but on whether annexation was appropriate, economic impact, revenue sharing and what use would be made of the additional revenue by the City.

meetings were late by between 46 and 54 days. The court's conclusion that non-residents had due process rights violated and that the violation was "substantial" rests entirely on this most slender reed. It is not logical to conclude that holding a public hearing eight months before the LBC hearing rather than ten months before the LBC hearing actually deprived anyone of an opportunity to "influence" the details of annexation.

The Court's conclusion the petition was forever cast in stone as of the date of filing is simply incorrect. The City retained the ability to modify the scope and details of the boundary change after filing the petition or even to withdraw the petition completely. 3 AAC 110.545(a)(petition may be withdrawn prior to publishing notice of Commission hearing). And in fact the City did so! As a direct result of the informational meetings held in August, the City adopted Resolution 2010-85 establishing a specific fund into which a portion of fish tax would be placed for future use in improvements to infrastructure used by permit holders subject to the fish tax. [Exc. 394-95]. The Resolution was considered at a publically noticed City Council meeting at which anyone in attendance had an opportunity to comment.

The Court's decision also ignores the multiple opportunities specifically extended to non-Dillingham residents to "contribute" to the city's fish tax ordinance as a result of the consultation process required by the LBC. The LBC specifically determined that annexation was not effective until after this consultation took place. Moreover, the ability of permit holders who were not residents of Dillingham to contribute during the public process associated with adoption of the city's fish tax ordinance before annexation

was approved by voters is also not mentioned in the Court's order. [Exc. 609-619, R.102-112]. A specific tax exemption for low income permit holders was incorporated into the fish tax. DMC 4.21.135(A). This was a genuine process of public input impacting the fish tax ordinance. The court's conclusion public input had no impact or influence on the annexation process is incorrect.

The Court seems to believe that inclusion of both the tax exemption and adoption of the Resolution establishing the special fund with the petition as a result of pre-filing public hearings would have been a better process. This exalts form over substance and is a type of second guessing inconsistent with the limited scope of review to be employed in boundary change matters. Regardless of when changes were incorporated as a result of public input the fact remains changes were made prior to annexation becoming effective. This proves the point that residents and non-residents alike had adequate notice and an opportunity to be heard throughout the annexation process.

C. The Conclusion Notice Defects were Substantial Due Process Violations is Incorrect as a Matter of Law

The court's conclusion that "due process" rights were violated during the process of consideration of the annexation petition is also wrong on the law. If the LBC had the authority to convert the City's annexation petition to one requiring legislative review the additional "process" non-Dillingham residents were entitled to receive was an opportunity to influence the legislature during its consideration of the annexation petition. Ample opportunities to influence both the Dillingham city council and the LBC over an

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extended period of time prior to annexation becoming effective had already been provided.

The court bases its legal analysis on dicta in Mullins v. Local Boundary Commission, 226 P.3d 1012,1018-1019 (Alaska 2010) and on Lake and Peninsula Borough v. Local Boundary Commission, 885 P.2d 1059 (Alaska 1994). The legal issues raised in Mullins were dismissed as moot. The bland sentence in Mullins that including the public is “important” is a Grand Canyon stretch from a conclusion that any particular shortfall in inclusion of the public is a due process violation as a matter of law.

In Lake & Penn, the incorporation process was “hurried”. A borough incorporation petition was filed in November, immediately accepted, and the LBC hearing was held less than 30 days later. In these circumstances, notice deficiencies were substantial because they truly did impact the ability of the public to fully participate in an expedited administrative process. 885 P. 2d at 1060. Here, any notice deficiencies shortened the time between notice and the LBC hearing by two months. Moreover, any impact of late notice was immediately cured by the subsequent city-led public process and then a second time by the LBC imposed remedy of additional consultation prior to the annexation approval.

The court’s use of the term “due process” is devoid of reference to Alaska Supreme Court due process decisions. The Order fails to identify how this administrative proceeding deviated from “our traditional conception of fair play and substantial justice” and failed to protect non-residents from “arbitrary” LBC action. See, e.g. Green v. State, 462 P.2d 994 (Alaska 1969) cert denied, 398 U.S. 910 (1970)(citations omitted). The

Court reaches a conclusion that approaches pure fantasy- that individuals were deprived of a meaningful opportunity to participate in the public process because representatives of the City of Dillingham travelled to their village eight months in advance of the LBC hearing instead of ten months in advance of the LBC hearing. Even assuming this is a regulatory violation, a conclusion this two month difference was “a denial of fundamental fairness shocking to the universal sense of justice” or that this delay violated “that whole community sense of decency and fairness that has been woven by common experience into the fabric of acceptable conduct”, Id. is untenable. All persons in the region had notice of the City’s petition sufficiently in advance of the LBC hearing as to have a reasonable opportunity to participate in the administrative process prior to the LBC’s final approval of the City of Dillingham annexation petition.

The beginning point of any due process analysis is to identify the “liberty” or “property” interest at stake in the proceedings. The right to fish without paying any local fish tax is arguably a “property” interest but the right to remain free from taxation has never been regarded as a fundamental liberty or property right. The situation is analagous to an “at will” employee who has no legitimate expectation of continued employment⁷. Commercial fishing permit holders have no legitimate expectation of continuing to operate in the only commercial fishing districts in Southwestern Alaska that are not subject to local taxation no matter how many years that has been the case. This tax free existence continued “at the pleasure” of both the Local Boundary Commission and any

⁷Breeden v. City of Nome, 628 P.2d 924 (Alaska 1981).

adjacent community. Engaging in a commercial fishery “tax free” is not a substantial property or liberty right.

Even if boundary changes are considered to involve potential deprivation of a “property” right, all that due process requires is a “certain level of procedural fairness”. Nichols v. Eckert, 504 P.2d 1359, 1364-1364 (Alaska 1973), citing Joint Anti-Fascist Refugee Committee v. McGrath 341 U.S. 123 (1951). In the administrative context the role of this court was “to assure that the trier of fact was an impartial tribunal, that no findings were made except on due notice and opportunity to be heard, that the procedure at the hearing was consistent with a fair trial and that the hearing was conducted in such a way that there is an opportunity for a court to ascertain whether the applicable rules of law and procedure were observed”. K&L Distrib., Inc. v. Murkowski, 486 P.2d 351, 357 (Alaska 1971).

The standard is notice and a reasonable opportunity to be heard. Notice and a reasonable opportunity to be heard before the LBC was clearly provided regardless of whether the petition was “processed” by the LBC as a local option petition or as a legislative review petition. Notice is adequate if “it is given sufficiently in advance” of scheduled LBC proceedings “so that a reasonable opportunity to prepare will be afforded”. RLR v. State, 487 P.2d 27,40 (Alaska 1971). Moreover even if initial notice was improper, this is subject to “cure” through provision of subsequent opportunities for review. State v. Greenpeace, 96 P.3d 1056, 1066-1068 (Alaska 2004).

The court’s order, through selective discussion of applicable facts regarding the pre-hearing public process and misapplication of the entire legal concept of due process

finds an unprecedented pre-adjudicatory hearing due process “right”. That right, according to the court, is an opportunity to “contribute” to a policy decision made by a democratically elected body at a publically noticed meeting at which anyone in attendance has the opportunity to speak. Such a right is completely unprecedented in the due process jurisprudence of the courts of Alaska. The court’s identification of such a due process rights needs to be rethought.

D. If the Court Continues to Believe the LBC had Authority to Convert the Annexation Petition from Local Option to Legislative Review the Remedy Ordered by the Court Should be Clarified.

The conclusion of the Order indicates the Court is remanding this matter to the LBC “to process using legislative review”. Yet two sentences prior, the Court “directs” the LBC to “order refiling”. These are conflicting statements. Moreover, they insert the Court into administrative details which should be determined in the first instance by the LBC. Specifically, it is the LBC which should decide if the petition should be converted not the court. This is the standard remedy when an agency fails to consider an issue based on what the Court determines is an incorrect interpretation of a regulation. State v. Merriouns, 894 P.2d 623, 627 (Alaska 1995), accord, Southeast Alaska Conservation Council v. State, 665 P.2d 544 (Alaska 1983); Arkanakyak v. State, 759 P.2d 513 (Alaska 1988); City of Nome v. Catholic Bishop of N. Alaska, 707 P.2d 870 (Alaska 1985) (remand to agency following court decision on interpretation of agency rule or regulation in order for agency to apply newly settled law).

If the Court continues to remand with a directive for processing by legislative review, it should be up to the LBC to determine whether refiling by the City or

submission of the LBC decision approving annexation to the Legislature is the next step in the legislative review process. The Court should first defer to the body charged by the Alaska Constitution with the responsibility for overseeing municipal boundary changes. The LBC can best evaluate whether the extensive pre-filing process, post-filing consultation, pre-hearing comment period, already-held public LBC hearing and mandated post-hearing additional consultation provides an adequate reason to proceed directly to the Legislature rather than repeat the entire administrative process.

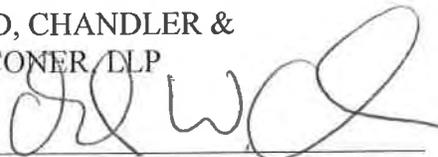
In addition, the primary rule on fashioning a remedy on remand is the “approximation of the status quo at the time of the original decision”. Alaska Community Colleges’ Federation of Teachers v. University of Alaska, 677 P.2d 886, 890-892 (Alaska 1984) cited in, Lake & Peninsula Borough, supra, 855 P.2d 1067 (Alaska 1994). The “status quo” at the time of the original LBC decision was that the annexation petition had been found to meet all applicable legal standards for annexation with final approval subject to the will of the voters of Dillingham. The fundamental legal conclusion of the Court is that the approved annexation petition should have been submitted to the Legislature not the voters of Dillingham. If the court adheres to that conclusion, this should lead to an order directing the LBC to submit the approved petition to the Legislature. An order directing the LBC to direct the City to refile the petition undoes two years of substantial public process that provided greater opportunity for input from residents and non-residents than would have resulted from the single public hearing requirement of 3 AAC 110.425(a). Recommencement of the annexation process by

holding a single public hearing will “necessarily involve a waste of public resources”⁸ and should not be ordered. In addition, such “costly backtracking”⁹ does not address the process of legislative review which is a separate and distinct process involving the Alaska Legislature not the LBC.

The clarification the court should provide even if the Court’s interpretation of the authority of the LBC to convert a local option annexation petition to a legislative review petition is not altered on reconsideration is to direct the LBC to either: a) determine whether refiling is appropriate under the circumstances, or b) “process the petition by legislative review” by submitting the petition to the Legislature during the first ten days of the 2015 legislative session. This is a more practical remedy fully adequate to address any failure of the LBC to process the City’s petition by legislative review.

Dated this 7th day of April, 2014.

BOYD, CHANDLER &
FALCONER, LLP

By: 

Brooks W. Chandler

⁸ Alaska Community Colleges’ Federation of Teachers, supra, 677 P.2d at 892.

⁹ Id.

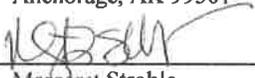
CERTIFICATE OF SERVICE

This is to certify that on April 7, 2014 ,
a true and correct copy of the foregoing
was sent via United States Mail, first
class, postage prepaid to:

James L. Baldwin
227 Harris Street
Juneau, AK 99801

Earling T. Johansen
Assistant Attorney General
1031 W. 4th Avenue, Suite 200
Anchorage, AK 99501

By: _____


Margaret Stroble

1
2 **IN THE SUPERIOR COURT FOR THE STATE OF ALASKA**
3 **THIRD JUDICIAL DISTRICT AT DILLINGHAM**

4 NATIVE VILLAGE OF EKUK,)
5 Appellant,)
6 v.)
7 LOCAL BOUNDARY COMMISSION)
8 AND CITY OF DILLINGHAM,)
9 Appellee.)

Case No. 3DI-12-00022 CI

10 **APPELLEE STATE OF ALASKA, LOCAL BOUNDARY COMMISSION'S**
11 **REQUEST FOR RECONSIDERATION OF FINDING RELATED TO REMAND**
12 **IN THE COURT'S ORDER ON APPEAL¹**

13 **I. The LBC's Decision Accepting the Local Option/Local Action Petition was**
14 **Correct; Remand Improper.**

15 The City of Dillingham, as the petitioner for annexation of territory to its city,
16 filed a petition under the local option/local action process authorized under
17 3 AAC 110.150 and 3 AAC 110.600. This was a proper form of annexation because
18 there were no organized municipalities, no villages, and no people residing within the
19 area proposed to be annexed. After the petition was filed, the LBC received a non-
20 opposition from the sole land owner, State of Alaska, Department of Natural Resources
(DNR), prior to the public hearings held on the petition (Ex. 1)

21 The statutes anticipate and the LBC's regulations specifically provide for local
22 action petitions under the circumstances presented by the Dillingham petition for
23 annexation. The LBC's interpretation of its own regulations is entitled to deference:

24 ¹ The Local Boundary Commission (LBC), pursuant to Appellate Rule 503(h),
25 respectfully requests that this court reconsider its decision ordering remand in the
26 above-captioned appeal. The LBC asserts that the court has overlooked or misconceived
certain material facts and propositions of law and has overlooked and misconceived
material questions in the case in ordering a remand to the LBC.

1
2 “We review an agency's interpretation of its own regulations
3 under the reasonable and not arbitrary standard. [] The reasonable
4 and not arbitrary standard is not demanding: “[W]here an agency
5 interprets its own regulation ... a deferential standard of review
6 properly recognizes that the agency is best able to discern its intent
7 in promulgating the regulation at issue.” [] *Stosh's I/M v.*
8 *Fairbanks North Star Borough*, 12 P.3d 1180, 1183 (Alaska 2000).

9 The LBC staff determined that no one lived in the annexation area. Therefore, as part of
10 the procedure for local option petitions, the staff sought and obtained a non-objection
11 letter of the local option annexation petition from the sole landowner in the area to be
12 annexed – DNR. *See* 3 AAC 110.150(Ex. 1). The existence of this non-opposition is
13 very important in the process of local option annexation. Yet, nowhere in its decision
14 does the court acknowledge the DNR non-opposition letter. The non-opposition letter is
15 analogous to a vote, and, moreover, analogous to the local option when land to be
16 annexed is owned by the city. *See* 3 AAC 110.150 (1), (2) and (3).

17 The decision in *Port Valdez v. Valdez*, 522 P. 2d 1147, 1151 (Alaska 1974),
18 supports the LBC’s decision to keep the petition in the mode as filed by Dillingham. In
19 *Port Valdez*, the court noted that, “[s]ince the city did not *request* and the commission
20 did not certify a step annexation, the requirements for step annexation are not
21 applicable.” (Emphasis added). The court further noted that “[w]e find no such fetters
22 imposed upon the commission's discretion. The policy decision as to the mode of
23 annexation is an exercise of lawfully vested administrative discretion which we will
24 review only to determine if administrative, legislative or constitutional mandates were
25 disobeyed or if the action constituted an abuse of discretion.... “[w]e take this
26 conclusion to mean that the court found the Valdez annexation not to be a step
27 annexation.” *Port Valdez* at 1152. As such, the administrative discretion of the LBC to
28 proceed with Local Option/Local Action was proper in Dillingham’s case.

29 The LBC’s own regulations provide it with discretion to adjust the *form and content*
30 of the petition. (3AAC110.440) But, with the exception of changing a legislative review
31 petition to a local option petition, the LBC did not provide for its own authority to

1
2 change the mode or method of a local option petition that has been filed. *See*
3 3 AAC 110.610. This is a policy choice of the LBC in its regulations and well within its
4 quasi-legislative authority granted under the Alaska constitution and the legislature.
5 Remanding the petition to the LBC with orders it be converted to a legislative review
6 petition is improper in light of the LBC's clear authority in the exercise of discretion in
7 addressing annexation petitions.

8 **II. LBC mandate to change mode or method of petition not vested in**
9 **regulations or AS 29.06.040.**

10 In its decision, the court cites to the following regulations and statutes to support
11 its finding the LBC has authority to change the mode and method of the petition and, in
12 this instance, it "must" change the mode and method: 3 AAC 110.610 (a);
13 3 AAC 110.440(c); 3AAC110.570(c) (1); 3AAC 110.140(9); 3AAC110.425 (a); and
14 AS 29.06.040. However, none of these provisions of law requires or gives authority to
15 the LBC to change the mode or method of annexation from Local Option/Local Action
16 to Legislative Review. The determination of the LBC to consider the Dillingham
17 annexation petition under the mode filed -- Local Option/Local Action -- has a
18 reasonable basis in law and fact. Significant deference is to be afforded the LBC in
19 interpreting and applying its own regulation. And a finding of whether a petition meets
20 the best interest of the state is a matter of public and policy of the LBC which, as the court
21 stated in *Mukluk Freight Lines*, is beyond the province of the court. 516 P.2d 408
22 (Alaska 1973). The LBC's regulations set out "best interest of the state" considerations.
23 The decision of the LBC to accept the Dillingham petition (as conditioned by the LBC),
24 has a rational basis in law and the reasons for this action are directly discussed by the
25 commission. That is all the law requires to be upheld by a reviewing court. The court
26 asserts there was a violation of AS 29.06.040 because this statute requires the
Commission to convert the petition to legislative review and persons who lived outside
the annexed areas were deprived of due process. But AS 29.06.040 is a permissive
statute; not a mandate. This statute does not require the LBC to change or amend a

1
2 petition before it; it allows it if the LBC determines such change is necessary.

3 The LBC is an entity with broad authority and discretion that has been fully
4 recognized by the Alaska Supreme Court on numerous occasions. Whether a petition
5 before the commission meets the standards to be approved, or disapproved, or whether
6 it is in the best interests of the state, involves fundamental policy and broad judgments of
7 political and social policy. Under Article X, Sec. 12, and the overwhelming authority of
8 the LBC as delegated by the legislature in statute in AS 29.06.040 and AS 44.33.812, it is
9 apparent that a determination of the adequacy of an annexation petition is within the
10 province of the LBC. *Hammond v. North Slope Borough*, 645 P.2d 750, 758
11 (Alaska 1982); *Mobil Oil Corp. v. Local Boundary Commission*, 518 P.2d 92, 98
12 (Alaska 1974); *see also Matanuska-Susitna Borough v. Hammond*, 726 P.2d 166
13 (Alaska 1986). This court's order remanding the decision to the LBC and ordering it to
14 consider the petition as a legislative review petition is contrary to the rulings of the
15 Alaska Supreme Court that acknowledge the LBC's exclusive authority to determine if
16 a petition before it meets the standards. Here, the LBC's decision set out each factor
17 considered and the evidence to support its determination on the Dillingham annexation
18 petition is articulated. There is no hard and fast rule laid down for determining the
19 reasonableness of a proposed annexation. *See City of Creve Coeur v. Patterson*,
20 313 S.W.2d 739 (Missouri 1958). A court need not agree that all of the criteria
21 evaluated by the LBC were necessary or proper. *See Petitioners for Incorporation of*
22 *City of Yakutat*, 900 P.2d at 728. The only test to be satisfied is whether the court finds,
23 in the record, a reasonable basis of support for the decision. *Mobil Oil*, 518 P.2d at 98.
24 That test has been satisfied in this case.

25 **III. The Lake and Peninsula Borough case does not apply to Dillingham.**

26 The court cites to *Lake and Peninsula Borough v. Local Boundary Commission*,
885 P.2d 1059, 1064 (Alaska 1994) as the basis for its decision that notice was lacking
to the respondents because the LBC failed to follow its regulations regarding notice.
However, in this case, the LBC followed its rules. Here, the residents of the outlying

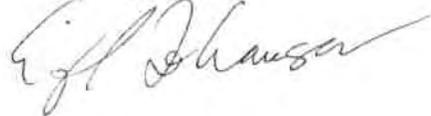
1
2 areas, i.e., Manokotak, Clark's Point, and Ekuk, received proper notice of the petition
3 and were not deprived of due process. *See* Ex. 2 (an excerpt from appellee LBC's brief
4 showing macro and micro process leading up to the community vote). The first
5 comment period lasted eighty-four days, far in excess of the regulations (3AAC110.640
6 (b) (1) [49 days]). The second notice period lasted thirty days, two more days than
7 required under the regulations(3AAC 110.640 (b) (3) [28 days]). Collectively, this
8 provided 114 days of notice/comment period. Thus neither the facts or holding of the
9 court in *Lake and Peninsula Borough* is not applicable to this appeal.

10
11 **IV. Conclusion.**

12 By remanding this matter back to the LBC with a mandate the petition be
13 processed as legislative review petition, the court's decision is contrary to the long-line
14 of cases holding a court should uphold a decision of the LBC if it finds in the record, as
15 a whole, that there is a reasonable basis for the decision. *See Lake and Peninsula*
16 *Borough v. LBC*, 885 P.2d 1059, 1062 (Alaska 1994); *Mobile Oil Corp. v. LBC*, 518
17 P.2d 92, 97-98 (Alaska 1974); *Port Valdez Co. v. City of Valdez*, 522 P.2d 1147
18 (Alaska 1974); *Oesau v. City of Dillingham*, 439 P.2d 180 (Alaska 1968). The decision
19 of the LBC met applicable legal standards for a local option annexation and is supported
20 by the record as a whole. For the reasons discussed above, the LBC respectfully
21 requests the remand and order to process the petition as a legislative review petition be
22 vacated.

23 DATED: April 7, 2014.

24 MICHAEL C. GERAGHTY
25 ATTORNEY GENERAL

26 By: 

Erling T. Johansen
Assistant Attorney General
Alaska Bar No. 9311080

June 14, 2010

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

SEAN PARNELL, GOVERNOR

□ 550 WEST 7TH AVENUE, SUITE 1400
ANCHORAGE, ALASKA 99501-3650
PHONE: (907) 269-8431
FAX: (907) 269-8918

May 14, 2010

The Honorable Alice Ruby, Mayor
City of Dillingham
P.O. Box 889
Dillingham, Alaska 99576

SUBJECT: NON-OBJECTION FOR DILLINGHAM ANNEXATION

Dear Mayor Ruby:

In response to your letter of April 27, 2010, the Department of Natural Resources has reviewed the City of Dillingham's proposal to annex the Nushagak Commercial Salmon District and Wood River Sockeye Salmon Special Harvest area waters into the City of Dillingham. These waters are largely, if not entirely, state owned tidelands, submerged lands and shorelands managed by the Department of Natural Resources.

The various Divisions within the Department have reviewed the proposal, and we have also consulted with the Department of Fish and Game. The Department does not object to the annexation of these lands. The annexation does not transfer ownership of any of the lands nor will it increase the city's municipal entitlement. We understand that these state lands are currently included in the Bristol Bay Coastal Resource Service Area Coastal District under the Alaska Coastal Management Program and the annexation will not alter this. Should the annexation be approved, the Department requests that we be consulted on any proposed planning, zoning, or other land use ordinances that includes these state lands.

We understand that the annexation proposal still needs to be considered by the Local Boundary Commission and is subject to public comment, including the opportunity for comments from other nearby communities. While the Department does not object to including these state lands within the city boundaries, we are not taking a position in support of the annexation.

Sincerely,


Thomas E. Irwin
Commissioner

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans"

1505 of 1509

June 14, 2010

May 14, 2010
Page 2 of 2

cc: **Commissioner Emil Notti, Department of Commerce, Community and
Economic Development**
Commissioner Denby Lloyd, Department of Fish and Game
Ellen Simpson, ADFG
**Brent Williams, Local Government Specialist, DCCED Local Boundary
Commission**
Dick Mylius, Director, DNR Division of Mining, Land and Water
Randy Bates, Director, DNR Division of Coastal and Ocean Management
James King, DNR, director, DNR Division of Parks and Outdoor Recreation
Kevin Banks, DNR, Director of Oil and Gas

1
2 has jurisdiction over this appeal pursuant to AS 22.10.020(d) and Appellate Rule 601
3 *et. seq.*

4 **III. STATEMENT OF FACTS**

5 **A. General**

6
7 This is an appeal of a fairly simple and straight forward unanimous
8 annexation decision (Exc. 241-56) by the Local Boundary Commission, annexing to the
9 City of Dillingham a single territory amounting to 399 square miles lying within the
10 unorganized borough and along the City of Dillingham's pre-petition external boundary.
11 The territory is comprised of three square miles of terrestrial area (islands) and
12 396 square miles of submerged land. The annexed area is essentially ocean area
13 seasonally plied by local and non-local commercial fishers, the Nushagak Commercial
14 Salmon Harvest District and Wood River Special Salmon Harvest Areas, generally.
15 (Ext. 241) Fishing activities in those areas affect the City of Dillingham. (Exc. 246)
16 ("Dillingham is the regional hub for the Nushagak Bay area. No other municipality has
17 argued that it has the ability, or desires the responsibility of providing more efficient
18 and more effective essential municipal services for the proposed expanded boundaries.)
19 (Exc. 246) Other communities, such as Manokotak and Ekuk, are *not* included within
20 the Dillingham annexed territory. The surrounding communities, including Ekuk, were
21 however amply involved in the annexation process from beginning to end.
22
23

24 **B. Macro Process**

25 On February 11, 2010 at a duly noticed City Council meeting the
26 City Council of Dillingham adopted resolution 2010-10 which authorized Mayor Ruby

1
2 to submit a *local action* annexation petition to Local Boundary Commission for
3 commercial fishing waters adjacent to the City of Dillingham. (Exc. 66) The City's
4 annexation petition was dated June 14, 2010 (Exc. 1) and was submitted to the LBC.
5 (Exc. 1-72)² It was subjected to a lengthy deliberative process steeped in *public notices*
6 (R. 75, 207, 235, 341, 390, 463, 839, 895, 1152, 1353-79.), *hearings and public*
7 *meetings* (LBC Staff Annexation Informational Meeting - 12/29/2010). (R. 1152);
8 (LBC April 6, 2011 Public Meeting) (R. 847-95); (LBC April 25-26 Public Meeting and
9 Decisional Meeting) (R. 474-686 [Vol. II]; 687-838 [Vol. I]); (Decisional Meeting)
10 (R. 631-686); (LBC May 24, 2011 Public Meeting) (R. 434-63); (LBC June 24, 2011
11 Public Meeting) (R. 342-90); (LBC July 21, 2011 Public Meeting) (R. 295-41); (LBC
12 October 4, 2011 Public Meeting) (R. 208-44); (LBC October 13, 2011 Public Meeting)
13 (R. 192-207); (LBC November 30, 2011 Public Meeting plus materials related to
14 conditional approval petition) (R. 41-74, 76-178 (materials)); *comments* (for example,
15 April 25-26 Public Hearing at Dillingham) (R. 474-838, transcript generally);
16 (Dillingham's annexation petition itself) (Exc. 1-72); (Native Village of Ekuk
17 Responsive Brief) (Exc. 73-180); (City of Dillingham Reply Brief) (R. 1154-1231);
18 (Respondent's Request for Reconsideration dated 6/10/11) (R. 405-419); (City of
19 Dillingham's Responsive Brief on Reconsideration dated 8/1/11) (R. 263-294);
20 (Respondent Native Village of Ekuk's Brief in Support of Reconsideration) (R. 245-
21 262)), *consideration and reasoned review* (including the April 26, 2011
22
23
24
25

26 ² An "erratum" followed the original Petition submittal making minor corrections to the petition. (R. 1345-52)

1
2 Decisional Meeting that adjourned in the early hours of April 27) (R. 631-86);
3 (LBC staff's Preliminary Report to the Local Boundary Commission regarding the
4 proposal to annex by local action . . . including written comments (Appendix A))
5 (R. 1035-1151); (LBC Staff's Final Report to the Local Boundary Commission
6 regarding the proposal to annex by local action . . . (including public comments on the
7 preliminary report [including appendices]) (R. 896-1034); (Dillingham Annexation
8 Reconsideration Staff Analysis and Recommendations dated June 2011) (R. 391-404);
9 (LBC Staff Recommendations Regarding the Dillingham Annexation Petition
10 Reconsideration Decision Meeting dated September, 2011) (R. 236-44); (LBC Staff's
11 Analysis of Dillingham's Consultations Report and Respondent's Supplement) (R. 78-
12 79); (the Local Boundary Commissions Dillingham Annexation Petition
13 Decision [Conditional]) (R. 420-33) all of which culminated in, and included, the Final
14 Decision dated December 14, 2011. (Exc. 241-56)³ which is on appeal. Dillingham
15 interposed reconsideration requests. (R. 6-18, 405-17)⁴
16
17

18 A non-objection to the annexation was received from the
19 U.S. Department of Justice, Civil Rights Section (Exc. 632), the State of
20 Alaska/Department of Natural Resources (Exc. 68-69)⁵ and the CERTIFICATE
21
22

23 ³ An *interim* DECISION of "conditional approval" (R. 431) was issued
24 May 26, 2010 [sic] 2011 (R. 420-33). The *final* DECISION (Ext. 253) was issued
25 following satisfaction of the condition and was dated December 14, 2011. (Exc. 241-
26 256)

⁴ The requests were granted in part and denied in part and are not on appeal.

⁵ The State of Alaska is the presumptive sole land owner in the annexed area
and the Department of Natural Resources is the State's land manager. AS 44.37.010 and

1
2 reflecting the post annexation Amended Boundaries of the City of Dillingham was
3 finally recorded August 23, 2012 in the Bristol Bay Recording District at record number
4 2012-000438-0. (Exc. 633-35) Two-and-one-half years (February 11, 2010 –
5 August 23, 2012) of process elapsed between start and finish of the City of Dillingham
6 annexation initiative. The foregoing listing is intended to demonstrate the laborious
7 process this petition was subjected to, in a macro sense.
8

9 **C. Micro Process**

10 More specifically, in a micro sense, the City of Dillingham (City or
11 Dillingham or Petitioner) on June 14, 2010 lodged copies of its petition at Dillingham
12 City hall, the Dillingham Library, Dillingham harbor office and posted it on the
13 Dillingham website and filed the petition with the LBC staff. (Exc. 242) The City
14 updated those documents during July and September (Exc. 242). On July 10, 2010
15 notice of the petition was posted throughout the affected area, including *inter alia*, City
16 of Clark's Point Office, Clark's Point post office, Village of Clark's Point office,
17 Aleknagik post office, City of Aleknagik office, Native Village of Aleknagik office,
18 Manokotak post office, City of Manokotak, Manokotak Council office, *Ekuk Village*
19 *Council office*, Curyung Tribal Council office, and at locations throughout Dillingham.
20 (Exc. 242) Notice of the petition was published in three issues of the Bristol Bay Times
21 (July 15, July 22 and July 29, 2010) and public service announcements were placed with
22
23
24

25
26 AS 44.37.020) The record does not disclose any other person or entity claiming land
ownership in the annexed area.

1
2 KDLG am and fm regional radio and Nushagak Cooperative (Exc. 242) for fourteen
3 successive days during August 2010. (Exc. 242)

4 On July 26, 2010, Dillingham mailed complete copies of the petition by
5 USPS to the City of Clark's Point, the City of Manokotak, the City of Aleknagik, the
6 Village of Clark's Point, *the Ekuk Village Council*, Manokotak Village Council, the
7 Native Village of Aleknagik and Curyung Tribal Council (Exc. 243) and on
8 August 2, 2010, notified others of the filing of the petition by mailing them a Notice of
9 Petition. (Exc. 243)

10
11 The *Native Village of Ekuk* submitted a timely responsive brief on
12 October 4, 2010 and the LBC received eleven other comments. Comments that did not
13 exactly comply with filing requirements, such as short-term tardiness or document
14 incompleteness were nonetheless allowed in by ruling of the chair in the interest of
15 fairness. Staff acknowledged each individual, municipal, and tribal comment in a
16 timely manner. (Exc. 243)

17
18 The LBC staff prepared its Preliminary Report (R. 1035-151) to the Local
19 Boundary Commission, which included many pages of comments, regarding
20 Dillingham's proposal to annex by local action . . . and on January 26, 2011 the State of
21 Alaska Department of Commerce, Community and Economic Development distributed
22 copies of it to interested parties including the petitioner (City of Dillingham), the
23 respondent (*Native Village of Ekuk*), commenters, local boundary commission members
24 and others. (Exc. 244) On January 27, 2011 the City of Dillingham distributed the
25 Preliminary Report (R. 1035-151) to its website, www.dillinghamak.us, the port of
26

1
2 Dillingham small boat office, the Dillingham library and Dillingham City Hall.
3 (R. 1151) The LBC also posted the Preliminary Report on its website. (R. 1036)
4 Sixteen comments were received by the LBC from interested parties, including the
5 *Native Village of Ekuk*, in response to the preliminary report. (Exc. 244) The LBC
6 staff, "read, reviewed and considered" (R. 903) all comments and submittals including
7 those of *Native Village of Ekuk* (R. 903) and prepared its Final Report. The Final
8 Report was distributed April 4, 2011 to interested parties including *Native Village of*
9 *Ekuk*. (Exc. 244)
10

11 The LBC noticed public hearings and a decisional meeting on the petition
12 at Dillingham, by newspaper publication, online notice, local posting and specific
13 correspondence to others including *Native Village of Ekuk*. (Exc. 244-55) The
14 Dillingham public hearing occurred over two days, April 25 & 26, 2011 and the duly
15 noticed decisional meeting occurred following the public hearing on April 26, 2011.
16

17 At the April 26, 2011 decisional meeting (which ended in the wee hours of
18 April 27th) the Local Boundary Commission voted unanimously, 5-0, to conditionally
19 approve Dillingham's annexation petition. (Exc. 245) The condition arose from
20 concerns aired during the public hearing and in submittals. Of concern were post
21 annexation financial impacts on individual entities of the surrounding area, such as
22 Ekuk, Clark's Point, New Stuyahok, Manikotak, and others specifically named
23 (Exc. 332 at line 5 - Exc. 338 at line 6) and outside of the annexed territory. Relying on
24 the concept of local "cooperation" (Exc. 334 at line 25) and "good faith effort"
25 (Exc. 334 at lines 10-18) "... to meet, to discuss..." (Exc. 334 at line 18) The LBC
26

1
2 on motion by Commissioner Harcharak conditioned its petition approval on petitioner's
3 attempts to further confer with the specifically named entities, including *Native Village*
4 *of Ekuk* in yet another effort to hear their concerns and report back to the LBC on their
5 efforts and attempts. (Exc. 332 at lines 7-16, Exc. 334 at line 21, and Exc. 335 at line 5)
6
7 Mr. Williams, staff to the LBC stated, "[t]o my mind you would have to meet again,
8 have a review of the report and then determine whether they did make good faith effort
9 to meet with all those people and then decide, yes, they did, no, they didn't. If [] yes
10 [the] petition goes through in my mind. If no, then it does not in my mind.") (Exc. 335
11 at lines 18-25)

12 In a diligent effort to fulfill the condition, Dillingham undertook extensive
13 efforts to communicate with the named parties, including *Ekuk*, did in fact confer with
14 many and noted those unwilling or unable to confer, and timely filed its activity report
15 with the LBC, nearly one hundred pages. (R. 97-180) "Table One: Log Book-Attempt
16 to Consult of Post Annexation Financial Matters" (Exc. 614-18) documents at least 51
17 good faith attempts by the City of Dillingham to contact the LBC designated entities
18 and representatives for consultation. The "Consultation Log Book on Post Annexation
19 Financial Matters" (R. 146-80) documents several successful substantive contacts with
20 the specified entities, (Exc. 620-31) despite other City attempts to contact being
21 unanswered. And in the spirit of good faith and local cooperation, Dillingham noted its
22 report that consultation and conversation will continue after the consultation report was
23 filed and that Dillingham expects consultation to continue even after the annexation
24 election. (Exc. 619) The LBC reviewed the consultation report and in its discretion
25
26

1
2 approved it, declared the condition satisfied and the petition approval Decision Final as
3 of December 14, 2011. (Exc. 253)

4 The City of Dillingham held a Special election April 10, 2012 concerning
5 the annexation. Two propositions were presented the electorate. Proposition 1
6 approved the annexation of commercial fishing waters to the Dillingham area.
7 Proposition 2 approved a 2.5% tax on sales of raw fish made within the City boundaries.
8 The Official Tally Report from the Canvassing Committee was certified April 19, 2012
9 by the Dillingham City Council.
10

11

Proposition No. 1 Annex Commercial Fishing Waters			
YES/NO	Poll Votes	Absentee/Questioned	Total
YES	353	43	396
NO	301	26	327

14

Proposition No. 2 Levy 2.5% Raw Fish Sales Tax			
YES/NO	Poll Votes	Absentee/Questioned	Total
YES	352	44	396
NO	302	25	327

16 Passage of Proposition 1 and 2 will provide critical funding to the City of Dillingham to
17 continue its support of the fishing industry, fire and public safety, water and sewer,
18 landfill, harbor and dock, streets, and library and schools.
19

20 **IV. ARGUMENT**

21 **A. Introduction**

22 In the big picture, for some fifty years, boundary changes and borough
23 formation in the Dillingham area have been characterized by inaction and frustration to
24 the region's detriment, including fish value that simply "swims away." (Exc. 517, 576,
25 582, 590, 596; [Tr. 4/25/11 Vol. I pp. 208, 222, 269, 323]) At the Dillingham
26

1
2 **IN THE SUPERIOR COURT FOR THE STATE OF ALASKA**
3 **THIRD JUDICIAL DISTRICT AT DILLINGHAM**

4 NATIVE VILLAGE OF EKUK,)
5)
6 Appellant,)
7)
8 v.)
9)
10 LOCAL BOUNDARY COMMISSION)
11 AND CITY OF DILLINGHAM,)
12)
13 Appellee.) Case No.: 3DI-12-00022 CI
14)
15)

16 **CERTIFICATE OF SERVICE**

17 This is to certify that on this date, true and correct copies of the, **Appellee State**
18 **of Alaska, Local Boundary Commission's Request For Reconsideration of Finding**
19 **Related to Remand in the Court's Order on Appeal; and this Certificate of Service,**
20 **was served via U.S. Mail, postage prepaid mail to the following addresses:**

21 James L. Baldwin, Esq.
22 Attorney at Law
23 227 Harris Street
24 Juneau, Alaska 99801-1212

25 Brooks Chandler
26 Attorney at Law
Boyd, Chandler & Falconer, LLP
911 W. 8th Avenue, Suite 302
Anchorage, Alaska 99501

27 Janice Gregg Levy
28 534 5th Street
29 Juneau, Alaska 99801

30 
31 Kelly M Thibodeau
32 Law Office Assistant II

33 4/7/14
34 Date

May 1 1966 council packet



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Commerce, Community,
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

2400 Viking Drive
Anchorage, Alaska 99501
Main: 907.269.0350
TDD: 907.465.5437
Fax: 907.334.2285

March 10, 2014

Renewal Application Notice

City of Dillingham
Attn: City Clerk
VIA EMAIL: cityclerk@dillinghamak.us

DBA	Lic Type	Lic #	Owner	Premise Address
Willow Tree Inn	Beverage Dispensary	1242	513 Wood River Road	Alaska '49 LLC

We have received a renewal application for the above listed licenses within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the regulation or ordinance has been approved, please notify us and provide a copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 13 AAC 104.145, Local Governing Body Protest.

Note: Applications applied for under AS 04.11.400(g), 13 AAC 104.335(a)(3), AS 04.11.090(e), and 13 AAC 104.660(e) must be approved by the governing body.

Sincerely,

SHIRLEY A. COTÉ
Director

/s/*Christine C. Lambert*

Christine C. Lambert
Licensing & Records Supervisor
Christine.lambert@alaska.gov



TO: Mayor Ruby and City Council Members
FROM: Rose Loera, City Manager
DATE: April 23, 2014

SUBJECT: Update on Squaw Creek Road

This report is to provide you with an update of what I have learned about Squaw Creek Road:

- In 1978 a plat was approved by the City's Planning Commission which dedicated a section of the Squaw Creek Road for easements for public utilities, roadways and alleys for public use. A map is attached showing the area in black.
- The front and back portions of the road are privately owned by various people and there are no easements for public access on these parts of the road.
- Found a memo in the files dated June 7, 1988 describing issues with the Squaw Creek Road. They are the same issues we are having today. Memo is also attached.
- I contacted one of the landowners this winter asking if they would be willing to allow some of the brush to be cut so that equipment could go down the road and the answer I was given was No.
- The State DOT had also asked one of the owners this past year if they could cut some of the brush so they could maintain the road and was told they could but will have to pay \$3,000 a tree.
- I have written a letter to the State asking them for copies of all the records that they have pertaining to the road. I also asked if the road had a Federal Aide to Secondary Highways (FASH) number. I have not gotten any of the records but I was told that only large roadways are assigned a FASH number.
- According to our Public Works department in order for the road to be properly fixed it would need to be shut down because it would require more than one piece of equipment there at a time. The road is so narrow that it can't be worked on one side while allowing cars to pass on the other. They think that it needs to be dug up and large rocks put down to allow water to drain through and then covered with gravel. It also needs up to 2 – 3 culverts put in to allow the water to drain. They estimate that it would take approximately 400 yards of gravel and about 800 yards of rock. We should have an estimate of the cost for repair soon.
- There are a few subdivisions within the City that the roads are privately owned and are not maintained by the City. They include:
 - Kleepuk Hill
 - Kawaglia's Subdivision at the end of Woodriver
 - Nick Wahl's property
 - Property where Rick Sylvester has his house and apartments on the lake road

ArcCatalog - H:\GIS\Projects\Planning\DLG_Ownership_Map_Feb2014.mxd

File Edit View Go Geoprocessing Customize Windows Help



H:\GIS\Projects\Planning\DLG_Ownership_Map_Feb2014.mxd

Contents Preview Description



Preview Geography

Map Document selected

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1

2

3

FYI - from the files
COPY

Squaw Creek Road Status

The City of Dillingham recently contacted the State of Alaska, Department of Transportation & Public Facilities (DOT/PF) to check on the status of this road. This status report has been prepared to inform the public about the correct information regarding the road.

First, this road will remain the responsibility of the State of Alaska, even though they do not have ownership to the roadway that it occupies. The State has accepted the responsibility for this road by virtue of providing continuous maintenance to the road over the years.

DOT/PF claims "prescriptive rights" only from ditch-to-ditch as a result of the above action. Because of this, DOT/PF is not willing or legally responsible to go off the existing roadway surface and install ditches and culverts. However, DOT/PF has stated that if the private citizens who live along the road are willing to give the State additional right-of-way along the road, they will build some ditches and install culverts.

The City can assist in this issue, but will NOT actively go out and solicit the adjacent landowners to provide this additional right-of-way. If the landowners are interested in doing this and can become organized, then the City will facilitate a meeting to discuss this issue.

Other information verified by DOT/PF regarding the road was 1.) the level of maintenance on the road has been consistent throughout the years, and 2.) they will not put their heavy equipment on the road for maintenance during break-up which is why the road becomes real treacherous during this time.

A copy of this status report is being sent to all known land owners adjacent Squaw Creek and members of the City Council and Planning Question. If you have any questions, please contact either the City Manager or Planning Director at 842-5211.

COPY

REDI-NOTE

DATE June 7 1983

To Gary

SUBJECT Squaw Creek

This was sent to the following:

- | | |
|-----------------------|----------------------|
| Mary Tilden | Olaf Hansen |
| Ronald Egemo | Lynn Luckhurst |
| Joe and Hank Scandura | Jack Smeaton |
| Phil Bingman | Ball Brothers |
| Nancy Wilson | Magnus Sampson |
| Massa Egeland | City Council Members |
| Nick Christensen | |
| Mary Shade | |
| August Shade | |

SIGNED

Shelley

REDIFORM, 4S462

NO REPLY NECESSARY

REPLY REQUESTED - USE REVERSE SIDE

POLY PAK (50 SETS) 4P462

CARBONLESS

5-23-88
Jmt

COPY

Gary -
you might want
to ~~write~~ bundle
this info, plus
what we verbally
learned from
Janet, up into
a memo that
can be distributed
to the CC & PC
& any other
interested persons/
residents so as
to reduce some
of the lack of a
misunderstanding
that exists re:
Squaw Creek road.

COPY

SAIG TAYLOR EQUIPMENT COMP
ANCHORAGE 276-5050
FAIRBANKS 452-1192
SOLDOTNA 262-5977
DELTA JUNCTION 895-4216

5-13-88-

Janet George call -
Squaw Creek road -
Accepted responsibility
for maintenance
Maintained status quo
Have not reduced
maint Will not.
Can not go off roadway
surface -
Road way off
Need road to put
in ditches -
Don't want to put
equip on road +
haul after breakup.
John



John Deere design,
dependability
and dealers
make the difference

City of Dillingham

Alaska House District 36

~ 3/28/14 ~

MARCH 2014 – LEGISLATIVE REPORT

28th Alaska State Legislature ~ 2nd Session

Cliff Stone and Ian Fisk / City Lobbyist's



As we cascade towards the end of session, I wanted to remind you of a couple of nuances that happen at this time of year. The Senate will soon vote on their version of the operating budget. Once it is adopted, they will send it back over to the House for concurrence. This never happens, so a conference committee will be appointed (3 members each) by the President and Speaker respectfully. Thus, the **24-hour rule** will be in effect. What is the **24-hour rule**?

The **24-hour rule** (see Uniform Rule 23(d) of the Alaska State Legislature) shortens the time frame in which most business gets done in the latter days of the session. It begins once a conference committee is appointed for the operating budget bill. It literally reduces the notification time required for meeting announcements of bill hearings to 24 hours (In contrast, 5 days is the normal for announcing a committee hearing on a particular bill). I might also add that 24 hours often slips to 8 – 10 hours as committees will announce something late in the day. We will remain vigilant on matters of importance on any particular bill that we're tracking.

You will not be able to always rely on the printed announcements or the announcements as posted on the BASIS website. The Senate is more casual, and sometimes, a committee chairman simply 'announces' meetings in a committee or on the Floor.

Even though most committees will slowly shut down the last week of session, the Rules and Finance Committees remain active, and basically, any committee can reopen at will. During the last actual 24 hours of the session, the **24-hour rule** gives way to simple momentary announcements by committee chairmen. Watching *Gavel Alaska* helps in that they often make those announcements on the Floor.



In another week or so, the activity at the committee and Floor level is accelerated to an often break neck pace. Floor action may begin in the morning and then for one reason or another, recess to a specific time or to the call of the presiding officer. They also do this as it comes down closer to the final days of session because the Rules Committee has to meet and give their blessing on the additional bills coming out of the various committees as they wrap up their work. This increased action prompts a **supplemental calendar**. A **supplemental calendar** is simply an additional calendar that is added for the respective Floor to consider in any given day. These calendar(s) are in addition to the one that was posted the day before.

Supplemental Calendars will also be posted on BASIS – <http://www.legis.state.ak.us/basis>, but it helps to use the TV or a webcast to compliment the website. According to Uniform Rule 18 of the Alaska State Legislature, it takes a two-thirds vote of the members present to take up a **supplemental calendar**. The **supplemental calendar** will particularly come into play the last couple days of session.

One of the websites I keep on my desktop the last few days is BASIS. Specifically the House and Senate Calendars so I can track which bills are being addressed by the Legislature for the day.

http://www.legis.state.ak.us/basis/h_s_calendars.asp?session=28

I can quickly hit the Refresh icon to see instantly the current status of any bill up that day.



GOVERNOR'S CORNER <http://gov.alaska.gov>

March 27, 2014 – The annual statewide *Choose Respect* rally was held statewide on this day. Governor Parnell and his wife Sandy planned to be in Valdez to lead that rally. Over 160 communities were signed up to participate in rallies and marches this year. This tradition started a few years ago to draw attention to the state’s “epidemic” of domestic violence and sexual assault.

March 25, 2014 – Governor Sean Parnell signed House Bill 71, legislation extending Alaska Regional Development Organizations, or ARDORs.

This bill extends the authorization of the ARDORs program, enabling local officials and businesses to pool their limited resources, work together on economic development projects, develop public and private partnerships, and provide technical assistance. There are 12 ARDORs across Alaska that focus on improving the economic health of their regions.

March 6, 2014 – Governor Sean Parnell nominated Simon Kinneen of Nome for consideration by the U.S. Secretary of Commerce for service on the North Pacific Fishery Management Council (NPFMC). The governor also named Ragnar Alstrom and John Moller as alternate nominees.

The NPFMC manages more than 900,000 square miles of ocean, and is responsible for managing halibut, cod, sole, and other groundfish in the Bering Sea, Gulf of Alaska, and Aleutian Islands waters. Established by the Magnuson-Stevens Fishery Conservation Act, the council is one of eight regional councils dedicated to the oversight of the nation’s fisheries. The Magnuson-Stevens Fishery Conservation Act, signed into law in 1976, empowers the U.S. Secretary of Commerce to choose the final appointee from applicants nominated by governors of coastal states.



BUDGET BILLS FY15

I’ve highlighted this section and will continue to do so during the session. It’s important to recognize these bills by their respective numbers as folks testifying in committee often refer to them by just their respective number. *These dates could shift a little bit. I will keep Rose alerted as to the correct date.

Capital FY15 Budgets – **HB 265 / SB 119** (Public testimony is scheduled for April 3, 4, 5)*

Operating FY15 Budgets – **HB 266 / SB 120** (A draft committee substitute was adopted by the Senate Finance Committee on March 27th on the House version for both this bill and **HB 267** below. Further amendments are scheduled to be taken up on March 28th)

Mental Health FY15 Budgets – **HB 267 / SB 121**

Supplemental FY14 Budgets – **HB 299 / SB 155**

Amendments – The governor submitted amendments to his FY15 Budget as required by law on the 30th Legislative day. (February 19th)

Legislative Finance Website: <http://www.legfin.state.ak.us>

This link provides you with several options to view specifics for the Capital and Operating Budgets. If you click on Capital reports, you can then pull up projects by house district. Dillingham is under H. District 36.

Governor’s OMB FY15 Proposed Budget Website:

<https://omb.alaska.gov/html/budget-report/fy-2015-budget/proposed.html>

Governor’s OMB FY14 Enacted Budget Website:

<https://omb.alaska.gov/html/budget-report/fy-2014-budget/enacted.html>



BILLS OF INTEREST

(Introduced since the February Report)

What follows are bills that we’ve identified as having a potential or definite impact on your municipality or some bills that affect school funding in your community. Since this is the second session, bills introduced this late have very little chance of making it through the process. However, we will keep you apprised of any of these late introductions that seem to be “fast tracked.”

We would encourage you to look through all the bills and resolutions that have been introduced to alert us to any other pieces of legislation we should be tracking for you. If there is an interest, we would encourage you to read that bill and then if you have additional questions, we’ll be happy to get the answers for you. We will advise you as to when it might be beneficial to listen in or even testify on a particular bill. Rest assured we’ll continue to monitor all bills as sometimes during the legislative process, amendments come forward that then affect your interests in a bill that wasn’t even on anybody’s radar! All bills can be viewed at: <http://www.legis.state.ak.us/basis>

HOUSE BILLS

HB 372 / EXTEND EMERGING ENERGY TECHNOLOGY FUND



SENATE BILLS

SB 213 / MUNICIPAL ELECTION BOARDS



BILLS ON THE MOVE

The budget bills listed earlier in this report will be heard in their respective finance committees. I will notice them and alert Dillingham when there are public hearings scheduled and when they are headed to their respective FLOORS for a vote. (Note: Dillingham did present compelling testimony regarding the Operating Budget on March 21st)

Below are other pertinent bills we're tracking that have had hearings and/or Floor action during this past month. Note: Not all "Bills of Interest" will be listed, just those that seem to be moving along in the process and are of particular interest to Dillingham. I will continue to send email updates as warranted or even call City Manager Rose Loera if I think a particular bill deserves to be highlighted for your info and/or action. If you have any questions after reviewing any bill, please don't hesitate to ask us.

HOUSE ACTION

HJR 1 / Constitutional Amendment: Education Funding – Places the question on the ballot that would change the constitution and allow public funding to private and religious schools.

Current Status: Referred to the House Finance Committee on Feb. 28th. This resolution is not expected to receive any additional hearings, thus it will die at the end of this Legislature.

HB 19 / Permanent Motor Vehicle Registration – This bill passed out of the House on March 12th. It has been sitting in Senate State Affairs since March 14th. The original bill could have cost Dillingham \$12,000 a year in loss revenues by shifting certain vehicles to a permanent registration. As amended in the CS, it is no longer mandatory and can only be placed into affect if the community itself adopts a local ordinance to "opt-in" to this program.

HB 177 / Commercial Fishing Loans – Deals with interest rates on loans from the commercial fishing revolving loan fund and the community quota entity revolving loan fund. (Note: Rep. Edgmon sponsored this legislation. It has been in sitting in House Finance since Feb. 5th)

HB 199 / VPSO Firearms – This bill passed the House and was transmitted to the Senate on March 10th. The only committee of referral now is Senate Finance. It was scheduled to be heard March 27th, but has been delayed. (Note: This bill was also sponsored by Rep. Edgmon and has 26 House members signed on as co-sponsors. In addition, it has 12 members of the Senate signed on a cross sponsors.

HB 204 / Salmon & Herring Product Development Tax Credit – This bill passed the House on Feb. 14 unanimously. It has picked up 8 cross sponsors on the Senate side and currently resides in Senate Labor.

HB 321 / Charter Schools; Funding, Facilities – The Senate companion to this bill is SB 185. Like its Senate version an element of this bill would require a school district to convert an existing school to a charter school if a majority of parents supported the change. Both of these bills have a long way to go in the process and with so little time left, have little chance of succeeding. However, as stated below in the Senate version, different elements of this legislation could find its way into the current Education pieces that are moving.

SB 157 / Municipal Fire Protection Service Area Boundary Changes – If adopted by ordinance, the number of parcels of land in the service area can be decreased if the owner of the property requests removal and the increase or decrease in the number of parcels of land in the service area if the parcel is transferred to a service area that provides more accessible fire protection services to the transferred parcel. This bill passed the Senate and transmitted to the House on Feb. 24th. It was only referred to the Community & Regional Affairs Committee.

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## **SENATE ACTION**

**SJR 9 / Constitutional Amendment: Education Funding** – Places the question on the ballot that would change the constitution and allow public funding to private and religious schools.

Current Status: This bill was heard on the Senate Floor on March 10<sup>th</sup>. However, it was returned to Rules on March 12<sup>th</sup>. (As with HJR 1, the companion to this resolution, it requires a two-thirds vote by both bodies to pass. Currently they don't have the votes in the Senate or the House to achieve this.) *It is highly unlikely this resolution will come back before either body before the end of session.*

**SB 98 / VPSO Firearms** – This bill has had numerous committee hearings. Since both bills (Its companion is HB 199 – by Rep. Bryce Edgmon) are now in Senate Finance, the house bill will become the version that goes on to the governor, if indeed it is adopted and passed out by the Legislature.

**SB 123/ Prohibit Use of Cell Phone While Driving in School Zones/Property** – Authorizing a municipality to adopt such an ordinance. This bill passed the Senate on Feb. 14<sup>th</sup>. It was heard and passed out of the House Community & Regional Affairs Committee on March 27 and referred to Judiciary the next day.

**SB 147 / Base Student Allocation** – This would significantly increase the BSA for school districts. The new BSA would be \$6,084 vs. the current status of \$5,680. It would also provide for an annually adjusted BSA based on the Consumer Price Index. This bill received an additional Education Committee hearing on March 14<sup>th</sup>, but is unlikely to have much further action since any BSA increase will be part of another bill.

**SB 185 / Charter Schools; Funding, Facilities** – Although this bill was just heard and held on March 26<sup>th</sup>, it has to far to go to be considered seriously this session. As reported earlier, elements of these concepts may become part of another educational package that is progressing towards the finish line on April 20<sup>th</sup>.

**SB 208 / School Construction Bond Debt** – This bill is moving along slowly as it just passed out of Senate Education on March 24<sup>th</sup>. This bill may actually gain more traction in the few remaining days or the guts of it could find its way into one of the education bills that will become part of the adjournment package. In our analysis, it looks as if Dillingham would benefit from this legislation as currently drafted. When you pull up this bill, click on documents and then go to the item identified as 'Percent Local Share CIP FY2015.'

**HB 1 / Issuance of Drivers' Licenses** – This bill was just signed into law on March 26<sup>th</sup>. As reported before, this bill has not been without controversy. It is supposed to be limited in nature to people that might be in this country on a VISA of some kind or some other mechanism that allows them to be in the U.S. Instead of issuing a 5-year license, DMV is now required to issue the license for only the time spelled out in the immigrant's documentation. Some have argued that the DMV offices, particularly out in Bush Alaska will be overwhelmed by the consequences of this bill.

**HB 77 / Land Use/Water Rights/Disposal/Exchanges/Chikuminuk Lake Use** – We have been keeping Rose alerted as to the movement on this bill. It was finally heard in Senate Resources on March 10, 12, and 14<sup>th</sup> with public testimony still overwhelmingly against most elements of this bill. This despite the fact it had been rewritten during the interim. The Chikuminuk Lake language was struck from this bill in a Committee Substitute (CS) along with some other tweaks including new language regarding Chinook salmon.

We know there are several other amendments that might be forthcoming if this bill sees the light of day again, but it is our assessment that this bill has been poisoned beyond fixing. I don't believe it will get back to Rules out of Resources, but will certainly alert you as to any kind of movement. We are also watching other bills of similar nature to ensure that certain elements of HB 77 aren't transferred towards the language in other bills.

**HB 223 / Municipal Tax Exemption: Military Facility Zone** – This bill passed both bodies and is awaiting transmittal to the governor as of March 18<sup>th</sup>. This legislation authorizes municipalities to exempt or partially exempt for up to 10 years property in a military facility zone that creates or supports industry, development, or educational or training opportunities.

**HB 263 / Extend Senior Benefits Payment Program** – Extends this program until the year 2021. This bill has just one more committee of referral – that being Senate Finance before it goes to the Floor for a vote. It is expected to pass out and on its way to the governor before the end of this session.



## **COMMITTEE HEARINGS**

*If you are planning to testify on any particular bill or subject matter, it is a good idea to check the committee calendar the day of or the day before the scheduled hearing as sometimes a bill is rescheduled at the last minute. [http://www.legis.state.ak.us/basis/hearing\\_form.asp?session=28](http://www.legis.state.ak.us/basis/hearing_form.asp?session=28)*

Go to: <http://www.legis.state.ak.us/basis/start.asp> for a complete description of a bill that is up in committee, any fiscal notes, and also additional backup material that the legislative office has posted in regards to that particular bill. Remember – Bills that have already been heard or previously scheduled in committee can come back before that body without prior notification.

### **Live on the Web**

Most committee hearings can be seen and heard on Gavel Alaska. It is broadcast on both local access TV and on the Internet. You can also access online archives from the following website:  
[www.360north.org](http://www.360north.org)

### **Streaming Video**

Most committee hearings are also teleconference and available for viewing on the following website:  
<http://alaskalegislature.tv>

### **Testifying**

If you can't attend a hearing in person or at your local LIO you can participate by using the following numbers. It is always a good idea to check the committee schedule however to ascertain if they are accepting public testimony. In addition, be advised that the Legislature wants you to participate in the process, but the toll-free number can only be used if you have had prior approval to call in from the appropriate committee chair. We can assist you in obtaining that permission if needed.

The toll free number in Alaska: 1-855-463-5009. In Juneau: (907) 463-5009.



## NOTES

1. **February 28<sup>th</sup>** – Email to Rose alerting her to the dates set for public testimony on the Operating budget being conducted in House Finance (March 5, 2014).

After conferring, it was decided not to present any testimony here but wait and see what transpires and possibly be in a position to provide relevant testimony in the Senate regarding this budget and certainly the Capital budget.

2. **March 5/6<sup>th</sup>** – Emails and phone calls regarding three separate reappropriations for Dillingham.

There was a flurry of activity to ensure that both legislative offices had the correct information concerning Dillingham's intent on the reappropriations they wanted before the legislative deadlines for such action. We coordinated the exact language with staff at DEC that was necessary to ensure that Dillingham had the greatest flexibility to use this money and to ensure it met your intent. We then passed along the correct language to both legislative offices for insertion into the appropriate budget bill (more than likely the Capital budget). Once the CS for that bill is released, we will scrutinize the language that was inserted to ensure it still meets your intent and your approval and pass along such language to you for your final consent. All of this will have to be reconfirmed with both legislative offices.

3. **March 7<sup>th</sup>** – Email to Rose with attachments concerning SB 208/School Construction Bond Debt.

Passed along data regarding this bill and its intent. Basically it allows 14 different school districts (including Dillingham) around the state to have an option to fund a school project using debt, but treated as if it were cash through the Construction Grant Program. This would allow a "Local Share" in your community at a lower rate as explained to me, thus saving you and the district money in the long run.

4. **March 10<sup>th</sup>** – Email from Rose sharing with us AML's alert regarding possible legislation being considered by the Legislature to increase the PERS Employer Rate Cap from 22% to 24%.

We have been tracking the conversation in the Legislature concerning this idea. Nothing has surfaced so far, but we'll remain vigilant. A last minute bill or amendment to make this change could happen at the 11<sup>th</sup> hour. We have been attending weekly AML/Lobbyist meetings to coordinate our actions on an independent basis and in concert with AML. We'll keep you posted!

5. **March 21<sup>st</sup>** – We met deliberately with Rep. Edgmon and his staff to coordinate our actions for the last 30 days of session.

We also discussed your CIP list and the pending Capital budget. Realizing the budget constraints that all legislative offices were feeling, Rep. Edgmon prepared us for a fairly austere budget coming forth this year. We remain optimistic and will continue to work with him and Senator Gary Stevens on your priorities. We've had other conversations with members of the House and Senate leadership regarding these budgets and will continue to do so.

6. **March 21<sup>st</sup>** – Emails back and forth to Rose and Carol Shade to coordinate Carol's testimony to the full Senate Finance Committee regarding the Operating budget.

Mayor Ruby also had input as to the final draft of her testimony. Carol's testimony along with that of a couple of other communities given around the same time frame, were outstanding and made quite an impact. Even AML's director Kathie Wasserman made a positive comment about their testimony. Most of the statements focused on supporting the governor's idea of transferring \$3 billion into the PERS/TRS pension liability trust and the proposed cuts to Revenue Sharing.



## IMPORTANT DATES / DEADLINES

**March 31<sup>st</sup>** / Alaska Permanent Fund Dividend (PFD) Deadline - Apply online at: [www.pfd.state.ak.us](http://www.pfd.state.ak.us)

**April 3, 4, 5<sup>th</sup>\*** – Senate Finance Committee will be conducting Public Testimony on the Capital Budget.

\*These dates are not set in stone and could shift around by a couple of days.

**April 11<sup>th</sup>** – The full Legislature is scheduled to meet in joint session to confirm the governor's appointments to his cabinet or boards/commissions.

**April 20<sup>th</sup>** is the 90<sup>th</sup> day and thus, the last day of the regular session by statute. (121 days in the Alaska Constitution) 90-day sessions began in 2008.

- (A session can be “extended” one time for 10 days if approved with a 2/3<sup>rd</sup> vote by both body's – House and Senate. 30 Special Sessions can be called by the Governor or the Legislature. Again, a 2/3<sup>rd</sup> vote is required of each body if considered by the legislature.)

### Governor's Deadlines once a bill has been transmitted

Fifteen days, Sundays excluded, to act on a bill if the Legislature is in session.

If the Legislature has adjourned, the Governor has twenty days, excluding Sundays.



## WEBSITES OF INTEREST

2014 2<sup>nd</sup> Session Legislator & Staff Contact List:

[http://w3.legis.state.ak.us/docs/pdf/session\\_phone\\_list.pdf](http://w3.legis.state.ak.us/docs/pdf/session_phone_list.pdf)

House & Senate Committees: <http://w3.legis.state.ak.us/docs/pdf/commlist.pdf>

**House** Finance Sub-committee Members: <http://w3.legis.state.ak.us/docs/pdf/HFINSubcmte.pdf>

**Senate** Finance Sub-committee Members: <http://w3.legis.state.ak.us/docs/pdf/SFINSubcmte.pdf>

The full Legislative Publications List is at: <http://w3.legis.state.ak.us/pubs/pubs.php>

Congressional Delegation websites –

<http://murkowski.senate.gov/public>   <http://www.begich.senate.gov/public>   <http://donyoung.house.gov>



*Thank you for the trust you have placed in us.*

*~ Cliff and Ian*

~ End Report ~