



Alice Ruby, **Mayor**

Council Members

- Doug Holt (Seat A) • Chris Maines (Seat B) • Bob Himschoot (Seat C)
- Keggie Tubbs (Seat D) • Tracy Hightower (Seat E) • Paul Liedberg (Seat F)

**DILLINGHAM CITY COUNCIL
MEETING AGENDA**

David B. Carlson Council Chambers

Dillingham City Hall, 141 Main Street, Dillingham, AK 99576 (907) 842-5212

REGULAR MEETING

7:00 P.M.

DECEMBER 6, 2012

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

- A. Regular Council Meeting, November 1, 2012

IV. APPROVAL OF CONSENT AGENDA

- A. Resolution No. 2012-68, A Resolution of the Dillingham City Council Expressing Thanks and a Commendation to Ms. Judith "Judi" Nelson

APPROVAL OF AGENDA

V. STAFF REPORTS

- A. City Manager Report
- B. Standing Committee Reports

VI. PUBLIC HEARINGS

- A. Adopt Ordinance No. 2012-17 (SUB 1), An Ordinance of the Dillingham City Council Amending Chapter 3.60.050, Ballots- Marking, Validity – Removal Prohibited, and Adding Chapter 3.60.055, Write-In Candidates
- B. Adopt Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid Tax

VII. CITIZEN'S DISCUSSION (Prior Notice or Agenda Items)

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-17 (SUB 1), An Ordinance of the Dillingham City Council Amending Chapter 3.60.050, Ballots- Marking, Validity – Removal Prohibited, and Adding Chapter 3.60.055, Write-In Candidates
- B. Adopt Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid Tax

IX. UNFINISHED BUSINESS

- A. Animal Shelter Facility
- B. Citizen Committee Appointments
 - 1. Library Board – 1 seat
 - 2. Planning Commission – 1 seat
 - 3. Cemetery Committee – 6 seats
 - 4. Senior Advisory Commission – 1 seat
- C. Findings on Waste Water Treatment Project RFP Award

X. NEW BUSINESS

- A. Action Memorandum No. 2012-13, Approve Administrative Leave for Christmas and New Year Holiday
- B. Reschedule January 3, 2013, Council Meeting to January 10, 2013, at 7:00 PM, with a Workshop at 6:30 PM

XI. CITIZEN'S DISCUSSION (Open to the Public)

XII. COUNCIL COMMENTS

XIII. MAYOR'S COMMENTS

XIV. EXECUTIVE SESSION

- A. Legal Matter
 - 1. Union Negotiations

I. CALL TO ORDER

The Regular Meeting of the Dillingham City Council was held on Thursday, November 1, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Mayor Alice Ruby called the meeting to order at 7:01 p.m.

A. Swearing in Ceremony for Newly Elected Official

Mayor Ruby asked City Clerk Williams to swear in Tracy Hightower who was reelected to Council Seat E at the October 4, 2012 Regular City Election.

II. ROLL CALL

Mayor Alice Ruby was present.

Council Members present and establishing a quorum (a quorum being four):

- Doug Holt, Seat A
- Chris Maines, Seat B
- Bob Himschoot, Seat C
- Keggie Tubbs, Seat D
- Tracy Hightower, Seat E
- Paul Liedberg, Seat F

Staff in attendance:

- Rose Loera, City Manager
- Carol Shade, Finance Director
- Janice Williams, City Clerk
- Dan Pasquariello, Interim Chief of Police
- Jody Seitz, Planning Director

Guests:

- Attorney Brooks Chandler - *via teleconference*
- Steve Cropsey, Project Manager - *via teleconference*

III. APPROVAL OF MINUTES

- A. Regular Council Meeting, October 4, 2012
- B. Special Council Meeting, October 11, 2012

MOTION: Tracy Hightower moved and Paul Liedberg seconded the motion to approve both sets of minutes.

VOTE: The motion to approve both sets of minutes passed unanimously.

IV. APPROVAL OF CONSENT AGENDA

-
- A. Resolution No. 2012-60, A Resolution of the Dillingham City Council Amending the Bank Account Signature Authority Forms for the City Bank Accounts Due to a Change in Council Members
 - B. Resolution No. 2012-61, A Resolution of the Dillingham City Council Amending the Bank Signature Authority Forms for the City Safety Deposit Box Due to a Change in Personnel
 - C. Resolution No. 2012-62, A Resolution of the Dillingham City Council Amending the Investment Account Signature Authority Forms for City Investment Accounts

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve the consent agenda.

VOTE: The motion passed unanimously.

APPROVAL OF AGENDA

Mayor Ruby asked the Council's approval for two additional items: item A. under Citizen's Discussion, Ecological Engineering Group, and item D. under Executive Session, Ecological Engineering Group - Council Decision on Bid. She further noted when the Council got to New Business, they would be asked to postpone action on Action Memorandum 2012-12 until after the Executive Session.

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to approve the agenda as amended.

VOTE: The motion passed unanimously.

V. STAFF REPORTS

A. City Manager Report

City Manager Rose Loera:

- Landfill 2012 Inspection Report – meeting with staff and Curyung Tribe employee to address issues outlined in the report in order to bring the landfill in compliance by 2014 or the landfill permit could be denied if the City did not clear up some of the issues;
- Horizontal Drilling Project – project itself was completed, but continuing to work with Trenchless Construction and engineers to address problems with pushing the flow of sewer at the dock lift station, possibly caused by a blocked airlock in the line, and also evaluating the size of the pumps;
- Job Vacancies – filled the accounting tech III position, and would be interviewing for the fire dept. coordinator, interviewed 2 applicants for landfill operator position, holding on the fire dept. assistant until the coordinator position is filled to help with the hiring;
- Raw Fish Tax – processors have remitted a total of \$429,000, which could increase if there are adjustment bonuses; and

- Community Development Block Grant – had initially looked at applying for a design grant, but would be applying for a planning grant instead and would be looking to seek ideas from the community.

There was no discussion.

B. Standing Committee Reports

Bob Himschoot, Chair for Finance and Budget Committee:

- continuing to work on agenda items;
- business tax incentives would be removed from their list to the Council's priority list for consideration; and
- the committee had recommended that the entire Council meet quarterly for the purpose of reviewing the financial statements.

Alice Ruby, Code Review Committee:

- noted there were two ordinances on the agenda, one with additional revisions, and another that the Code Committee was asking not be adopted yet, because some additional changes were being recommended.

VI. PUBLIC HEARINGS

Mayor Ruby reported that Ordinance No. 2012-18 would be recommended for postponement due to some additional changes being reviewed by the Code Committee, and a substitute version of Ordinance No. 2012-17 would be in front of the council for adoption.

Mayor Ruby opened the public hearing on Ordinance No. 2012-17 and Ordinance No. 2012-18.

- A. Adopt Ordinance No. 2012-17, An Ordinance of the Dillingham City Council Amending Chapter 3.60.050, Ballots- Marking, Validity – Removal Prohibited, and Adding Chapter 3.60.055, Write-In Candidates
- B. Adopt Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid Tax (*Clerk Note: A second public hearing will be recommended for December 6, 2012.*)

There being no comments the public hearing closed.

VII. CITIZEN'S DISCUSSION (Prior Notice or Agenda Items)

- A. Ecological Engineering Group – Protest Bid (*Clerk Note: added to the agenda*)

City Manager Loera reported that Ecological Engineering had informed her via email that they would not be attending the meeting in person.

VIII. ORDINANCES AND RESOLUTIONS

- A. Adopt Ordinance No. 2012-17, An Ordinance of the Dillingham City Council Amending Chapter 3.60.050, Ballots- Marking, Validity – Removal Prohibited, and Adding Chapter 3.60.055, Write-In Candidates

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt Ordinance No. 2012-17.

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to adopt the amended version of Ordinance No. 2012-17, Ordinance No. 2012-17 (SUB 1).

Discussion:

- asked staff to clarify item 7.e under qualifications for a write-in candidate, "is not a candidate for any other office to be voted on at the election", interpreted as can't be a declared candidate and a write in candidate at the same time, but doesn't distinguish between school board and city council.

MOTION: Paul Liedberg moved and Doug Holt seconded the motion to postpone adoption of Ordinance 2012-17 (SUB 1) until the next meeting.

VOTE: The motion to postpone adoption of Ordinance No. 2012-17 (SUB 1) passed unanimously.

- B. Adopt Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid Tax (*Clerk Note: A second public hearing will be recommended for December 6, 2012*)

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to adopt Ordinance No. 2012-18.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to postpone adoption until the next meeting.

VOTE: The motion to postpone adoption until the next meeting passed unanimously.

- C. Resolution No. 2012-63, A Resolution of the Dillingham City Council Waiving Section 3.95 of the City's Personnel Regulations in Order to Allow Craig Maines to Continue His Employment as a Corrections Officer with the City of Dillingham Department of Public Safety While His Brother, Christopher Maines, Serves on the City Council

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2012-63.

Chris Maines disclosed he would not benefit financially from this resolution. Mayor Ruby noted she did not feel there was a conflict of interest, since he would not benefit financially, and that he be allowed to vote. There was no objection.

VOTE: The motion to approve Resolution No. 2012-63 passed unanimously.

- D. Resolution No. 2012-64, A Resolution of the Dillingham City Council Approving a Long Term Encroachment Permit for Nushagak Cooperative to Install an Overhead Utility Road Crossing to a New Residence Located at the Corner of Aspen and Spruce

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2012-64.

VOTE: The motion to approve Resolution No. 2012-64 passed unanimously.

- E. Resolution No. 2012-65, A Resolution Of The Dillingham City Council Approving A Long Term Encroachment Permit For Utility Installation Across Emperor Way North to Install Electric and Telephone Lines to Lot 8, Creekside Subdivision

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to approve Resolution No. 2012-65.

VOTE: The motion to approve Resolution No. 2012-65 passed unanimously.

- F. Resolution No. 2012-66, A Resolution of the Dillingham City Council Authorizing Participation in the Community Development Block Grant Program (CDBG), Administered by the Alaska Department of Community, Commerce, and Economic Development

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to approve Resolution No. 2012-66.

City Manager Loera confirmed staff's position to move forward with applying for a CDBG grant by the deadline of December 7, for a planning grant in lieu of a design grant as originally planned. The planning grant would help with researching possible sites, reviewing the current assessment, and evaluating the cost. The City had also applied to BBEDC for some grant writing assistance.

VOTE: The motion to approve Resolution No. 2012-66 passed unanimously.

- G. Resolution No. 2012-67, A Resolution of the Dillingham City Council Adopting an Alternative Allocation Method for the FY 2013 Shared Fisheries Business Tax Program And Certifying that this Allocation Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Bristol Bay Fisheries Management Area (FMA 5)

MOTION: Keggie Tubbs moved and Paul Liedberg seconded the motion to approve Resolution No. 2012-67.

Council was informed that a resolution to adopt the allocation for the shared fisheries tax was done annually.

VOTE: The motion to approve Resolution No. 2012-67 passed unanimously.

IX. UNFINISHED BUSINESS

A. Animal Shelter Facility

City Manager Loera noted she was reporting back to the Council, and that it cost the City around \$38.61 a day to house an animal in the City's animal shelter.

B. Citizen Committee Appointments

1. Library Board – 1 Seat
2. Planning Commission – 1 Seat
3. Cemetery Committee – 6 seats

Mayor Ruby noted she had received an email for the library board seat, but it was after the council packets had gone out, and would have it for the December meeting. No other letters of interest had been received.

X. NEW BUSINESS

A. Council Committee Appointments

Mayor Ruby recommended changes to the committee appointment list as follows:

Code Review Committee:
Paul Liedberg, named chair
Chris Maines

Parks and Recreation Committee:
Paul Liedberg

Carlson House Advisory Committee:
Keggie Tubbs

School Facility Committee:
Tracy Hightower, Alternate

MOU Committee:
Doug Holt

MOTION: Keggie Tubbs moved and Bob Himschoot seconded the motion to concur with the Mayor's recommendations:

VOTE: The motion passed unanimously.

- B. Action Memorandum No. 2012-12, Authorize the City Manager to Execute a Professional Services Engineering and Design Contract with CH2M Hill Engineers

MOTION: Keggie Tubbs moved and Doug Holt seconded the motion to introduce AM 2012-12 and postpone action until after the executive session.

VOTE: The motion passed unanimously.

XI. CITIZEN'S DISCUSSION (Open to the Public)

There was no citizen's discussion.

XII. COUNCIL COMMENTS

Chris Maines: no comment

Bob Himschoot:

- welcomed Chris;
- thanked Rose and staff for moving forward on the public safety building that several years ago was identified as a critical need; and
- reported Alaska Energy Authority had approached him and Fritz Johnson on a project that would turn waste heat into ice, that he not was approaching this project as a council member, and as they moved forward if City staff was needed would be sure to inform the City Manager beforehand.

Tracy Hightower: no comment

Keggie Tubbs: no comment

Doug Holt:

- reported he would be attending the newly elected officials session at the AML conference.

Paul Liedberg:

- commented with the general election coming up thanked City for making absentee voting available at City Hall.

XIII. MAYOR'S COMMENTS

Mayor Alice Ruby:

- encouraged all to get out and vote;

- reported the City had contributed \$10,000 to help send representatives from the City to attend the Board of Fisheries meeting in Naknek, and encouraged nominating a couple of people, and inform the city manager;
- asked if the Council would be interested in planning quarterly workshops to review the financial statements, could plan for a 6:00 or 6:30 PM meeting, before a regular council; there was no objection; and
- asked for a moment of silence to recognize community members that had recently lost someone, particularly the Tubbs family.

IV. EXECUTIVE SESSION

A. Legal Matter

1. Annexation
2. Gladden vs. City of Dillingham
3. Union Negotiations
4. Ecological Engineering Group – Council Decision on Bid (*Clerk Note: added to the agenda*)

MOTION: Bob Himschoot moved and Tracy Hightower seconded the motion to enter into executive session under DMC, 2.09.050, regarding legal matters. [7:41 PM].

GENERAL CONSENT: There was no objection to the motion.

(The meeting recessed for a five minute break.)

Manager Loera was invited into the executive session along with Finance Director Carol Shade and City Clerk Williams. Attorney Brooks Chandler and Project Manager Steve Cropsey joined by teleconference.

MOTION: Keggie Tubbs moved and Chris Maines seconded the motion to come out of executive session [9:59 p.m.].

GENERAL CONSENT: The motion passed with no objection.

MOTION: Paul Liedberg moved and Bob Himschoot seconded the motion to agree with the City Manager's recommendation in Action Memorandum 2012-12 to award the contract to CH2M Hill.

VOTE: The motion passed unanimously.

MOTION: Paul Liedberg moved and Chris Maines seconded the motion to direct staff and attorney to put together their written findings to support the determination that was made that will be adopted at the December meeting.

Discussion:

- commented consideration had been given to CH2M Hill because they had scored the highest in the committee's scoring process, they had Alaskan experience, and believed they had a better ability to work with staff toward the completion of the project; and
- commented that based on the materials provided it was in the best interest of the community and citizens of Dillingham to award the contract to CH2M Hill.

VOTE: The motion passed unanimously.

VIII. ADJOURNMENT

Mayor Ruby adjourned the meeting at 10:03 p.m.

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Approved: _____

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2012-68

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL EXPRESSING THANKS
AND A COMMENDATION TO MS. JUDITH "JUDI" NELSON**

WHEREAS, Ms. Judith "Judi" Nelson has been leader, a role model, and an outstanding citizen; and

WEREAS, Ms. Nelson has tirelessly demonstrated her commitment to the community, the region and all of our citizens; and

WHEREAS, Ms. Nelson is truly an asset to the community of Dillingham and its residents; and

WHEREAS, the Council wishes to recognize Ms. Nelson's contribution to the community and citizens of the City of Dillingham;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council offers this commendation to Ms. Judi Nelson with sincere thanks for selflessly sharing her time, energy and talent with the citizens of Dillingham and making it a better place to live.

PASSED and ADOPTED by the Dillingham City Council on December 6, 2012.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: November 28, 2012
To: Mayor and City Council
From: Rose Loera, City Manager
Subject: November Monthly Report

Tundra Fire – On November 9, 2012 Tom Dean with the State of Alaska Forestry Unit announced that the tundra fire at Kakanak was officially over. He had flown and reported to me that there was minimal spruce damage and that the burn was not very deep because of the frozen tundra. He referred the fire to a "Very Good Surface Fire". This fire reiterated the need for the City to refresh our Emergency Response system and to start practicing for emergencies. While attending the AML JIA conference, I attended a Small Community Emergency Response workshop that would provide us tools to be better prepared. I will be working with staff to develop this system.

Council Training and Workshop – We are considering bringing in the Foracker Group on January 19, 2013, for Council training and priority setting. We have also asked Attorney Brooks Chandler to participate. It is looking like a day and a half of training at this point. Time, place, and content are still to be determined.

Projects: We continue to have problems with the new sewer line that was put in place this summer. The problem with the line is thought to be caused from air in the lines stemming from too small pumps that are pushing the liquid from the Dock Lift Station. An air release valve was put in at the highest point which made a difference in the flow. The Dock Lift Station needs a total upgrade of larger pumps, new electrical, and a separation from the electrical components to the wet area. We have done repairs to get us through the next few months while we await the larger pumps to be purchased and installed. The issues with the new sewer line have been very taxing. Our Public Works staff has had to monitor and address all the issues as they arise. Trenchless, the company that installed the line, is requesting additional funds above their contract for the extra work they had to do. Our Project Engineer is disputing the request at this time.

Waste Water Treatment Project – we awarded the contract to CH2M Hill who came to Dillingham and met with us to familiarize themselves with our system and an upcoming project. The first phase of the project will be to work with the state on our Compliance Order of Consent. According to our Attorney, we want to be closely involved with these discussions with the State so that we not only come into compliance with our current permit, but develop a system that will keep us compliant with our new permit.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*
City of Dillingham

In your packet, under agenda item IX. Unfinished Business, is the Findings on Waste Water Treatment Project RFP Award that we discussed in our October meeting.

Fire Insurance Services Office – We submitted documentation for all that we had completed for our Public Protection Classification Improvement Plan. This included documentation on our hose, hydrant and pump testing, reclassification of the position at the fire department as well as training documentation. We were not able to maintain our class 5 rating as we had in the past, but did improve it. The rating that we received after the inspection in March 2012 was a 7 and with documentation of the above, we are now at a class 6 which could mean fire insurance rates for homeowners might increase. The Fire Chief and I had a long discussion with the rater and he indicated that he couldn't give us all the points for the testing or the training because we did not have records for 3 consecutive years. He gave us some pointers on how to improve our score in the future, but stated it would be very difficult to be able to get the classification to a 5 without a major expense. Our documentation and record keeping will be a priority for this area in the future.

Personnel Matters – the new Fire Department Coordinator, David Biven, will start his employment on December 3, 2012. He is an EMT III with extensive fire department training and many other certifications. The past Fire Department Coordinator has filed a complaint with the Equal Employment Opportunity claiming age discrimination and retaliation. We have not gotten the formal notice of the complaint but are preparing for it.

Due to a number of circumstances, we demoted the Landfill Technician to the Landfill Operator position that was vacant. This was a position he had filled prior to becoming Landfill Technician. He is in the process of grieving the action. We are advertising the Landfill Technician position at this time, and are backfilling with other staff during this shortage.

Chief of Police applicants were interviewed on December 3 with the Selection Committee. Dan Pasquariello has been the Acting Interim Chief for the past month.

There is currently one officer vacancy in the Public Safety department with a potential of 2 in the very near future. One of the potential vacancies is the handler for the drug dog. We are exploring options in the event that we lose the handler. We are also considering using the BBEDC program to train someone locally for one of the positions. If approved, BBEDC has indicated they would pay for all expenses to get someone trained including wages for 16 weeks. We are researching when the next State academy session will begin so we can initiate the recruitment process.

Landfill – staff continues to explore and implement improvements at the landfill. One idea that we are looking to propose is to shorten the hours at the landfill so that staff has more time at the end of a shift to close it down properly. We are implementing a time study at the landfill to determine the peaks and lows for delivery of trash to help with that decision.

Library – the library board met this past month and will be making some recommendations to the Code Committee for improvements at the library. These recommendations have been hanging out there for some time, and with new members they are anxious to move them forward.

Finance – The sales tax audit was conducted the first week of September by Mikunkda Cottrell our audit firm. We should have the results of the audit in mid-December. We have formed a collection committee of staff from finance and administration. The purpose of this committee is to evaluate and solidify our procedures for all collections. We just completed Real Property.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

City of Dillingham

By Cliff Stone, Ian Fisk, Greg Fisk / City Lobbyist's

We trust everyone there in Dillingham a blessed and Happy Thanksgiving!

Even though Veterans' Day has passed as well, please convey our heartfelt "thanks" to any veteran's who may be on the Council or employed by the City. We appreciate their service to our country.

January 15th may seem like a long way off, but the first day of the 28th Alaska State Legislature will be upon us like a freight train running downhill. As we approach that next signpost in the legislative process, a quick synopsis of the political landscape is in order.

Dillingham is part of the new House District 36/Senate District R as a result of redistricting. Representative Bryce Edgmon was reelected to his seat. He will again serve on the House Finance Committee and is a member of the House Majority. Senator Gary Stevens is your new senator and will be part of the new Senate Majority. Even though Senator Stevens will no longer be Senate President, he will still stand as an influential voice in Juneau by chairing both the Senate Education Committee and the Senate World Trade Committee. Attached to this report will also be a brief breakdown of the House and Senate leadership, various committee chairs and the majority members of the respective finance committees.

In addition, the results of the elections conducted earlier this month have created a backdrop of solidarity and resolve within the ranks of the Republican controlled House, Senate, and Governor's office. With this environment, the forthcoming agenda for the first session is fairly predictable.

Oil & Gas – At the top of the list is oil tax reform. The dialogue concerning oil and gas issues will be an undercurrent coursing its way through the entire 90 day session and beyond. Given that it is the first session and several new legislators will be taking a seat at the proverbial table for the first time, it is doubtful that any kind of vote will be imminent on this subject matter until they can be brought up to speed. Depending on the tenor of this debate, the possibility of a special session next year on oil taxes looms as a likely event. A policy call of this nature has vast implications for the welfare of this state. As such, these deliberations will be closely watched by industry, the public, municipalities, and other governmental organizations. To some of us who have been around for a while it will seem like an endless stream of reruns, but when significant, we will provide you with a recap of noteworthy oil and gas episodes.

ALASKA STATE LEGISLATURE



SENATE MAJORITY

For Immediate Release: November 19th, 2012

Senate Majority Completes Reorganization and Committee Leadership Positions

New Senate Committee Chairs, Finance Committee, Committee on Committees announced

ANCHORAGE-The Alaska State Senate Majority is proud to announce that it has completed reorganization for the 28th Legislature scheduled to convene in Juneau on January 15th, 2013. The Senate Majority will consist of 15 members who represent urban and rural areas across Alaska.

The Senate Leadership will consist of Senator Charlie Huggins, R-Wasilla, as Senate President; Senator John Coghill, R-North Pole, as Majority Leader; Senator Lesil McGuire, R-Anchorage, as Chair of the Rules Committee; and Senator Kevin Meyer, R-Anchorage, and Senator-Elect Pete Kelly, R-Fairbanks as Co-Chairs of the Senate Finance Committee.

"We are looking forward to working within this new, strong organization we have created through a very deliberative process," said Senate Majority Leader Coghill. "We have built the committee structures in a way that maximizes that skills and interests of each of our members to better accomplish the goals and priorities of the new Alaska State Senate Majority."

The following members have been announced as Committee Chairs for the 28th Alaska State Legislature:

Rules: Senator Lesil McGuire, R-Anchorage

Resources: Senator Cathy Giessel, R-South Anchorage/Kenai Peninsula

Judiciary: Senator John Coghill, R-North Pole

Transportation: Senator Dennis Egan, D-Juneau

Education: Senator Gary Stevens, R-Kodiak

Legislative Budget and Audit Committee: Senator-Elect Anna Fairclough, R-Anchorage/Eagle River

Legislative Council: Senator-Elect Peter Micciche, R-Soldotna

Health and Social Services: Senator Bert Stedman, R-Sitka

State Affairs: Senator Fred Dyson, R-Eagle River

Community and Regional Affairs Committee: Senator-Elect Peter Micciche, R-Soldotna

Labor and Commerce: Senator-Elect Mike Dunleavy, R-Mat-Su Valley

World Trade: Senator Gary Stevens, R-Kodiak

Senate Co-Chair of Joint Armed Services Committee: Senator-Elect Pete Kelly, R-Fairbanks

Administrative Regulations Review Committee: Senator Cathy Giessel, R-South Anchorage/Kenai Peninsula

In-State Energy Committee – Co-Chairs: Senator-Elect Click Bishop, R-Fairbanks and Senator John Coghill, R-North Pole



HOUSE MAJORITY ORGANIZES FOR 28TH LEGISLATURE
Chenault returns as Speaker, leadership & committee chairs announced

Thursday, November 8, 2012, Girdwood, Alaska – The Alaska House Majority Caucus has organized for the 28th Alaska Legislature. Representative Mike Chenault, R-Nikiski, returns for a third term as House Speaker. Representative Lance Pruitt, R-Anchorage is the new Majority Leader, and Representative Craig Johnson, R-Anchorage, returns as Rules Chair. Representatives Bill Stoltze, R-Mat-Su/Chugiak, & Alan Austerman, R-Kodiak, are the co-chairs of the House Finance Committee.

"I am grateful for the opportunity to return as Speaker," Chenault said. "The gavel comes with a tremendous amount of responsibility, and I am confident we will continue to respect and uphold the tradition and powers of the Speaker's Office and Alaska State House."

"We welcome five new members to caucus, and are eager to continue relationship building and educating each other prior to the start of session," Pruitt said. "We will continue focusing on key issues – oil tax reform, affordable energy, quality education, public safety, and responsible investments – and are looking forward to working with the new Senate leadership and Governor to finally push Alaska forward."

"I'm proud to be back as Rules Chair. It's a very strong caucus and I'm ready to help get to work and move Alaska forward," Johnson said.

"We came together rather well, and I am glad to come back for Southeast Alaska to be a part of the House leadership team," Wilson said.

"This organization represents all regions of Alaska, in a bipartisan spirit, with a strong focus on resource development, relevant and accountable education, and a commitment to work for a stronger economy," Stoltze said.

"I am very pleased that we've been able to form a strong bipartisan Majority that will serve the people of Alaska well," Austerman said. "I am appreciative of the confidence the caucus has placed in me as co-chair for the operational budget of the State of Alaska. I'm looking forward to continuing the efforts of the past co-chairs in structuring a sustainable budget into the future."

The Legislature convenes Jan. 15, 2013 in Juneau.

Finance Committee members are:
Rep. Stoltze & Rep. Austerman, Co-Chairs
Rep. Mark Neuman, R-Big Lake
Rep. Bryce Edgmon, D-Dillingham
Rep. Cathy Muñoz, R-Juneau
Rep. Tammie Wilson, R-North Pole
Rep. Mia Costello, R-Anchorage
Rep. Steve Thompson, R-Fairbanks

- more -

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: November 27, 2012
To: Rose Loera, City Manager
From: Janice Williams, City Clerk
Subject: Monthly Report

Are we interested in researching iPads or laptops in place of paper?

At the October 4, 2012 Regular Council Meeting, under Council Comments Bob Himschoot asked the Council if they wanted to explore using iPad devices, an electronic format, in lieu of paper. Electronic devices, in lieu of paper, are sparking a lot of interest amongst other cities and are becoming more common. Paperless meetings are not for everybody. Some would prefer to have paper in hand. I took the liberty of attaching a survey that was recently circulated through the Alaska Association of Municipal Clerks. The survey denotes which form is being used, paper or electronic device.

Ordinance No. 2012-17 (SUB 2), Elections

At the December 6 Council meeting, Council will be asked to substitute Ordinance No. 2012-17 (SUB 1) with Ordinance No. 2012-17 (SUB 2). SUB 2 includes language to clarify elective city office covers school board and council seats, and adds language to codify that a candidate can file for both council and school board.

This ordinance and the substitute language are being recommended by the Code Review Committee. At their November 19 meeting, the committee asked to bring back the Attorney's opinion on whether or not there was a conflict of interest with someone sitting on council and school board. Attached is a 5-page memorandum from the Attorney Brooks Chandler dated September 13, 2011, in which he opines dual office holding is permissible.

Can a Planning Commissioner also serve on the Council?

This also came up at the November 19 Code Review meeting. The Attorney had opined earlier that there was nothing that would prohibit it. In the case of an appeal before the Planning Commission on action that was taken, as a Council Member would be disqualified from participating in the appeal hearing.

Electronic Document Management

I appreciated the opportunity to attend the AML conference in early November and mingle with other city clerks. I visited with two software providers, SIRE Technologies and eDocs Alaska, two firms that provide electronic management of documents. Their software would

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

City of Dillingham

Page 1 of 2

allow us to do a search on records that have been electronically archived. There are several cities that have already gone through the process, and I am tapping into their knowledge base. This will be a high priority in the next several months.

Application for Ballot Initiative to amend DMC Section 4.20.050, Exemptions, to change the sales tax exemption for arts and crafts and to add a new sales tax exemption for fruits and vegetables grown and harvested in Bristol Bay. An application for an initiative is a request by at least ten voters that the City produce a petition. The resulting petition is the document more broadly circulated to the public for signature by the voters. This process helps to assure that the ordinance to be initiated is a proper subject for voters initiatives and to make sure a legally valid proposal is put before the public. As the first step in the process, the City Clerk must find that the application is in proper form and is a subject for a voter initiative.

On November 28, I issued the initiative petition to the sponsor on which sufficient signatures must be obtained before a voter initiative can be placed on the ballot. The number of petition signatures required to place an initiative on the ballot must be equal to at least twenty-five percent of the number of votes cast in the last regular election of the City. The last election was held October 4, 2012, and which time 447 votes were cast; 112 signatures would be required. The sponsors will have 90 days from November 28 to obtain valid signatures.

HELPFUL TIP.

Motion – Lay on the Table and Take from the Table or Postpone

Lay on the Table – motion to lay on the table allows a group to set aside a pending motion in order to attend to more urgent business.

Take from the Table - to bring the tabled motion back before the group, a member must make the motion to take it from the table by the end of the meeting and up until the next regularly scheduled meeting. If the committee wishes to bring it up again after the next regularly scheduled meeting, it is as though it was never moved in the first place and must come up as new business.

The table is the clerk's table. In essence, the motion is placed in the care of the clerk until it is needed again.

Postpone to a certain time – puts off a motion to a specific time (date certain).

Postpone indefinitely – Kills the motion

Poll of AAMC - Council Packet Presentation

Municipality	Electronic Device (Which Type) or Paper	Notes
Aleutians East Borough	iPads for about a year	packets are downloaded from website
Anchorage, Municipality of Barrow, City of	Electronic agenda with .pdf documents + paper	
Bristol Bay Borough	paper	
Coffman Cove, City of		
Cordova, City of		
Craig, City of		
Denali Borough	paper and CD packets	packets are posted to the borough's website; many hard copies for public
Delta Junction, City of	paper	
Dillingham, City of	paper (20 packets-Council and dept. heads)	scanned copy posted to city's website
Fairbanks, City of		
Fairbanks North Star Borough	iPads most recently	previously used laptops for several years
False Pass, City of		
Haines Borough	epackets and iPads (Sept. 2012)	hard copy for library and permanent record
Homer, City of	iPads starting in December 2012	used both paper and electronic packets for a couple of years
Hoonah, City of	paper	
Houston, City of	electronic, computer monitor	one council member requests paper; paper for the public
Kenai, City of	paper	create 18 paper packets (way too many!) and uploads all contents on website
Kenai, Borough		
Ketchikan, City of	iPads	started using iPads June of 2012. Produce no paper packets.
Ketchikan Gateway Borough	3 members use iPads, remainder use laptops	installed computer screens at each station at the dais for meeting use
Kodiak, City of	paper	
Kodiak Island Borough	iPads for almost a year	paperless for almost four years
Juneau, City and Borough	paper	post packets to the internet, but do not provide a viewing device
Mat-Su Borough	paper and paperless	3 paper copies; rest go out to FTP site to download to computers/iPads
Nome, City of	paper with scanned pdf on website	
North Pole, City of		
North Slope Borough	paper and website access	each have a laptop to be used at the assembly meeting
Nunapitchuk, City of		
Ouzinkie, City of		
Palmer, City of		
Pelican, City of		
Petersburg, City of		
Quinhagak, City of		
Saint Mary's, City of		begin using in December 2012

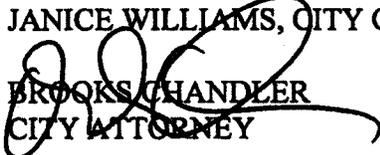
Poll of AAMC - Council Packet Presentation

Electronic Device (Which Type) or Paper Notes

Municipality	Electronic Device (Which Type) or Paper	Notes
Seward, City of	paper	
Sitka, City and Borough	paper	
Skagway, Municipality of	paper	
Soldotna, City of	paper packet	produce pdf of the packet
Unalaska, City of	laptops	one member uses his personal iPads; do not produce a paper copy for him
Valdez, City of	live with iPads on December 3	copy packet to a flash drive for each member; turn them in after each meeting
Wasilla, City of	paper	use SIRE agenda Management software
Wrangell, City and Borough of	still paper	hopefully iPads in a couple of years
Yakutat, City and Borough of	paper	trying to go with iPads; not sure if that would take us totally paperless
		looking to go with flash drives for large reports from staff and large docs

BOYD, CHANDLER & FALCONER, LLP
ATTORNEYS AT LAW
SUITE 302
911 WEST EIGHTH AVENUE
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 272-8401
FACSIMILE: (907) 274-3698
bcf@bcf.us.com

MEMORANDUM

TO: JANICE WILLIAMS, CITY CLERK
FROM:  BROOKS CHANDLER
CITY ATTORNEY
DATE: SEPTEMBER 13, 2011
RE: DUAL OFFICE HOLDING

You have asked whether a city council member may simultaneously serve as an elected member of the city school board. In our opinion, such dual office holding is permissible. The reasons for this conclusion are expressed in greater detail below.

FACTS

The City of Dillingham is a first class municipal corporation located outside the boundaries of any organized borough. The city also operates a local public school system commonly known as a "single site school district". One member of the Dillingham City Council, who has a year remaining on his term of office, has filed for election to the City School Board. The School Board seat for which the council member is running has a three year term.

LAW

Dillingham Municipal Code

Section 2.06.010 of the Dillingham Municipal Code establishes a six member city council. Council members serve without compensation. DMC 2.06.050. DMC 2.72.020 establishes a school board for the city's school district to be elected and to serve terms as provided by specified provisions of state law. School board members also do not receive compensation for service on the board. Neither of these chapters of the city code address whether the same persons may serve simultaneously on both the city council and the school board. Both school board members and city council members are elected at large.

DMC 2.72.030 requires the city school district to be operated "under the management and control of the school board" as provided by state law. The school district has its own treasury and the school board has custody of the funds and manages the money. DMC

2.72.040. DMC 2.72.060 incorporates state law budget procedures for school districts into the city code.

DMC 2.72.070 provides that risk management, maintenance and janitorial services for school district facilities must be provided by the school district unless the city and district jointly agree otherwise, and also establishes a school facility committee composed of equal numbers of city and school district representatives plus a citizen member. The committee is required to make recommendations to the city council for annual appropriations for facility maintenance and repairs. DMC 2.72.070(D)(8).

State Law

AS 29.20.130 requires a first-class city to have a six (6) member city council. AS 29.20.300 requires that each municipal school district have a school board. Under AS 29.20.630, a city school district employee "may not be denied the right to serve as an elected municipal official because of employment by the state or school district". This means a school district employee may serve on the city council.

Under the provisions of Title 14 of the Alaska statutes referenced in DMC 2.72, "except as otherwise provided by municipal ordinance", the school board submits a school budget to the city council for approval or disapproval only of "the total amount of money to be made available from local sources for school purposes". AS 14.14.060, 14.14.065. The city council does not have the discretion to reallocate budget amounts approved by the school board between line items within the school budget. DMC 2.72.060. Additional relevant state law provisions are discussed in the analysis section of this memorandum.

Court Cases

In *Acevedo v. City of North Pole*, the Alaska Supreme Court upheld a prohibition on a municipal employee being a member of a city council. Part of the court's reasoning was based on a concern regarding, "[t]he simultaneous holding of more than one public office". *Acevedo*, 672 P.2d 130, 134 citing *Cummings v. Goding*, 377 A.2d 1071, 1074 (R.I.1977) (citing *Osetek v. City of Chicopee*, 370 Mass. 110, 345 N.E.2d 897 (1976)). This concern was reflected in the common law rule against the holding of incompatible offices. The reasoning behind this rule includes: (1) preventing multiple position-holding, so that offices and positions of public trust would not accumulate in a single person; (2) preventing individuals from deriving, directly or indirectly, any pecuniary benefit by virtue of their dual position-holding; (3) avoiding the inherent conflict which occurs when an employee's elected position has revisory power over the employee's superior in another position; and (4) generally, to insure that public officeholders and public employees discharge their duties with undivided loyalty. 3 E. McQuillan, Municipal

Corporations § 12.67 (3d rev. ed. 1982); *Cummings v. Godin*, 377 A.2d at 1075; see also *Warwick v. State ex rel. Chance*, 548 P.2d 384 (Alaska 1976). *Begich v. Jefferson*, 441 P.2d 27 (Alaska 1968). (School teacher employed at state operated on base school at Ft. Richardson may not simultaneously serve as member of Alaska Legislature).

The Supreme Court has also recognized that laws dealing with the right of voters to choose public officials, and the right of citizens to aspire to and hold public office, should receive a liberal construction in favor of assuring the right to exercise freedom of choice in selecting public officials and also the right to aspire to and hold public office. e.g., 63C Am. Jur.2d *Public Officials and Employees* cited with approval in *Anchorage v. Mjos*, 179 P.3d 941, 943 n.1 (Alaska 2008). See also, *O'Callaghan v. State*, 826 P.2d 1132, 1137 (Alaska 1992)(admittedly ambiguous statute interpreted in favor of finding candidate eligible). *Mjos* is the most recent Alaska Supreme Court candidate eligibility decision. The court held “[i]n cases where there is a statutory ambiguity as to whether or not a candidate is eligible to run for office, the statute should be construed in favor of eligibility, so long as it may be reasonably so read”. *Mjos*, *supra*, 179 P.3d at 943.

ANALYSIS

Whether one elected office is “incompatible” with another elective office depends on whether one is “subordinate” to the other. *McCabe v. Kane*, 221 A.2d 123 (R.I. 1966) and “subject in some degree to its revisory power”. *State ex rel. Metcalfe v. Goff*, 9 A 296 (R.I. 1887). Another commonly applied test is whether the offices are “repugnant” to each other or “inherently inconsistent”. This concept of inherent incompatibility is different than conflict of interest principles. Incompatibility involves a “clash of duties” of the two offices. It exists either theoretically or actually on a virtually perpetual basis. Conflict of interest is something that arises on a case by case basis depending precisely on what issue is before which elective body. *Reilly v. Ozard*, 166 A.2d 360, 370 (N.J. 1960).

Under this analysis the question becomes whether the duties owed to the public by a member of the school board are under the “power and control” of the city council such that one holding office as a member of the Dillingham city school board is subordinate to the Dillingham city council. In our opinion, the answer is no.

The duties of school board members are not established by the Dillingham municipal code which would make those duties subordinate to decisions of the city council. Rather, those duties are established by state law specifically AS 14.14.090 which identifies 10 distinct legal duties “in addition to other duties”. Those specified duties can only be changed by the Alaska legislature and are not subject to the “control” of the Dillingham City Council.

The size of the Dillingham city school board is set by state law. AS 14.12.030(a). The term of members of city school boards is established by state law. AS 14.12.050. The filling of vacancies on the Dillingham School Board is set by state law. AS 14.12.070. Even the wording of the oath of office of school board members is set by state law. AS 14.12.090. The extensive mandatory requirements applicable to the Dillingham city school board set forth in state law are contrary to the notion that the Dillingham city school board is inherently subordinate to or under the control of the Dillingham City Council, such that serving as a member of the school board is "inherently incompatible" with simultaneously serving as a member of the Dillingham School Board.

The "relationship" between a city council and a city school board is also not established by the city council or by the school board, but by the Alaska legislature. This relationship is spelled out in AS 14.14.060. Under this state law there is some discretionary authority over the Dillingham school district provided to the city council. For example, the city council "may by ordinance" require that school district funds be deposited in a central treasury and give the city manager the authority to invest and manage district funds. AS 14.14.060(a). Dillingham has chosen not to do this, but theoretically could change this decision in the future. The city council also has the authority to adopt ordinances regarding the time by which the District's annual budget must be submitted to the Assembly for approval. AS 14.14.060(c). The Dillingham City Council has chosen not to establish time lines different than those set by state law.

There is some intersection between city council functions and duties and school board functions and duties. The city council has final say over the location of schools, but not final say over the design of school buildings. AS 14.14.060(d), (e). The school board must provide routine maintenance and the city council must provide for major maintenance of school facilities unless the city council and school board jointly agree to another system. AS 14.14.060(f). School boards can set their own procurement policies independent of the procurement provisions of the Dillingham city code. AS 14.14.060(h).

The minimum "local contribution" to the Dillingham school district that must be approved by the city council is set by state law. AS 14.17.410(b)(2). The city council does have the discretion to make contributions above the minimum local contribution subject to a "cap" imposed by state law. AS 14.17.410(c).

Most significantly for this analysis, state law specifies that elected assemblies may also choose by ordinance to serve as the local school board in districts with 500 pupils or less. AS 14.12.110(2). While Dillingham does not qualify for this "single body" approach, the fact that state law allows a single body to function in both capacities is strong evidence that the Alaska legislature does not view the function of a member of a local school board as "inherently

Janice Shilanski
September 13, 2011
Page 5 of 5

incompatible” with simultaneously functioning as a member of a city council. Rather, state law draws the line at serving on a school board and being employed by the school district. AS 14.14.140.

This is not a situation for concern about a single person gathering a significant amount of “pecuniary benefit” from public service in two offices. Neither position is paid anything.

There well may be situations where the impartiality or objectiveness of a person serving on the city council in voting on a budget presented by the school district after being approved by the school board could be questioned. This creates the issue of “undivided loyalty” that is one factor that weighs against serving on both bodies at the same time. We regard these as political issues or issues that arise regularly as a result of service on the city council. We assume this concern will be factored into the democratic process when Dillingham residents select their city council and school board representatives. In our opinion, if Dillingham voters wish to have the same person fill two roles that wish should be respected. In addition, since both positions are elected at large, the “constituency” for a school board member is identical to the constituency for a city council member.

CONCLUSION

For all of the reasons set forth above, we believe a single person may serve simultaneously on both the Dillingham school board and the Dillingham city council. If you have any additional questions regarding this matter, please let me know.

BWC/lhf
dill.memos.dual office memo.20110913

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: November 28, 2012

To: Rose Loera
City Manager

From: Carol Shade
Finance Director

Subject: Financial Report Period Ending October 31, 2012

The transition to Accufund continues as we pull in different accounting functions that the Finance Department is responsible for. During October the Utility billing went much smoother than September. We continue to get some calls from customers who are confused about the billing period or their balance forwards. However, the questions become fewer and fewer as we move forward. This is a good sign.

The Property Tax/Collections Technician position was filled in late October. Filling the position so quickly really helped with keeping the property tax information updated. A committee has been established that is working on the foreclosure and other collections policies consisting of the City Manager, Finance Director, City Clerk, Assistant Finance Director, the PT/Collections Technician and the Executive Assistant. This committee has made some really good progress in producing a document that itemizes the steps involved in property tax billing, collections, and foreclosure.

The Assistant Finance Director and the Grants/AR technician were able to build and implement the Fees, Licenses and Taxes module. This module is what is used for Business Licenses, Sales Taxes, and other fees that the City charges. The renewal notices were sent out prior to the November 15th deadline from the new system.

One of the many good aspects of the new system is that we are able to print everything from our laser printers. This means that when renewals and the actual licenses are being printed, other people do not have to worry about printing on forms because we are not using the old tractor fed printer anymore. The same is true for the Accounts Payable Checks. We are using laser checks now and the Payroll/AP Technician is able to print those checks from her printer. When Payroll is completely rolled out she will also be able to print all payroll checks and other related forms

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

City of Dillingham

and documents from her printer. The majority of our forms will be printed on blank 8 ½ x 11 paper.

We have started setting up the Property Tax module, but we have some questions about the implementation, so this is going to be finalized sometime in December. In addition the payroll module will be finalized in December. The best case scenario would be that the final payroll for the year will be processed in Accufund. I have already started setting the process in motion for printing W-2s and 1099s on laser forms and being able to submit to the IRS and SSA electronically.

Following are the financials for the period ending October 31, 2012. One item to note, is that although the Revenues Over/(Under) Expenditures is showing a deficit of \$1,204,265 for month to date and \$1,355,580 for year to date, this is due to the fact that we have paid another payment for the bond, which we have not received 70% reimbursement for. In addition we bill the granting agencies on a quarterly basis and you will note that some of the grant expenditures are much larger then what we have received at this time.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

City of Dillingham
Revenues and Expenditures As of October 31, 2012
Preliminary Figures

REVENUES:	Budget - FY13	Oct-12	Year to Date Actual - 10/31/12	Percent	Previous Year	
					10/31/2011	INC/(DEC)
					Actual	Last Year
<u>General Fund Revenues</u>						
General Sales Tax	2,700,000	214,537	842,621	31%	1,060,608	(217,987)
Alcohol Sales Tax	265,000	29,840	73,097	28%	115,485	(42,389)
Transient Lodging Sales Tax	95,000	22,952	43,490	46%	37,447	6,042
Gaming Sales Tax	65,000	11,197	14,637	23%	6,553	8,083
Total Sales Tax	3,125,000	278,526	973,844	31%	1,220,093	(246,249)
Real Property Tax	1,460,000	2,127	1,532,755	105%	1,471,730	61,025
Personal Property Tax	500,000	1,254	529,420	106%	506,596	22,824
Total Property Taxes	1,960,000	3,381	2,062,175	105%	1,978,326	83,849
Telephone Gross Receipts State Tax	80,000	-	-	0%	-	-
Raw Fish Tax	205,000	-	-	0%	446,588	(446,588)
Nushagak Fish Tax (Proportion transfer in)	579,513	-	-	-	-	-
Shared Fisheries	40,000	-	-	0%	-	-
Revenue Sharing	298,970	-	-	0%	233	(233)
Payment in Lieu of Taxes (PILT)	423,142	-	-	0%	-	-
Foreclosures	-	-	-	-	335,866	(335,866)
State Jail Contract	480,417	120,104	120,104	25%	230,363	(110,258)
Other Revenues	1,012,272	29,319	64,480	6%	120,689	(56,208)
Total	3,119,314	149,423	184,585	6%	1,133,738	(949,154)
Total General Fund Revenues	8,204,314	431,331	3,220,604	39%	4,332,157	(1,111,554)
<u>Special Revenue Funds Revenues</u>						
Nushagak Fish Tax	710,883	183,568	-	-	-	-
Water	224,479	15,867	60,597	27%	53,222	7,375
Sewer	263,138	21,450	84,855	32%	82,104	2,751
Landfill	339,298	8,235	37,903	11%	66,044	(28,141)
Dock	709,603	28,696	159,112	22%	328,479	(169,367)
Boat Harbor	175,426	2,525	29,149	17%	24,484	4,664
E-911 Service	74,650	3,266	16,588	22%	18,263	(1,675)
Senior Center	469,969	4,028	105,056	22%	44,639	60,418
Total Special Revenue Funds Revenues	2,967,446	267,635	493,260	17%	617,236	(123,976)
Debt Service Fund Revenue	1,177,840	209,438	209,438	-	227,121	(17,683)
Asset Forfeiture Fund	800	-	-	-	-	-
Dock and Harbor Capital Project Fund Revenue	-	-	71,925	-	5,213	66,712
Road and Streets Capital Project Fund Revenue	-	-	-	-	105,847	(105,847)
WasteWater Treatment Plant	2,280,000	-	-	-	-	-
Force Main	1,800,000	-	117,999	-	24,050	93,949
School Bond Project	-	-	-	-	18	(18)
Library Grants	61,700	-	7,280	-	-	7,280
Library Roof	250,000	-	-	-	-	-
JAG Grant	59,719	-	59,719	-	-	59,719
Equipment Replacement Capital Project Fund	100,000	-	-	-	-	-
Ambulance Reserve Capital Project Fund Revenue	38,000	-	-	-	-	-
Mary Carlson Estate Permanent Fund Revenue	10,000	-	-	-	979	(979)
Public Safety Building Planning	20,000	-	-	-	-	-
Total	5,798,059	209,438	466,361	-	363,228	103,132
Total Revenues	16,969,819	908,404	4,180,224	25%	5,312,621	(1,132,397)

City of Dillingham
Revenues and Expenditures As of October 31, 2012
Preliminary Figures

EXPENDITURES:	Budget - FY13	Oct-12	Year to Date Actual - 10/31/12	Percent	Previous Year	
					10/31/2011 Actual	INC/(DEC) Last Year
General Fund Expenditures						
City Council	88,800	2,159	17,590	20%	30,399	(12,809)
City Clerk	132,282	10,190	40,037	30%	33,440	6,597
Administration	319,445	32,248	143,013	45%	113,307	29,706
Finance	581,108	36,228	140,476	24%	176,918	(36,442)
Legal	135,000	7,684	68,291	51%	14,041	54,250
Insurance	88,642	4,374	4,374	5%	85,691	(81,317)
Non-Departmental	204,975	40,901	107,349	52%	96,420	10,929
Planning	153,591	7,311	39,386	26%	30,772	8,614
Bingo Hall/Potato House	3,680	253	964	26%	3,100	(2,136)
Public Safety Administration	273,506	2,875	19,267	7%		
Dispatch	428,354	33,541	134,787	31%	148,681	(13,894)
Patrol	577,921	64,277	273,938	47%	359,669	(85,731)
Investigations/WAANT	126,659	-	546	0%		
Corrections	571,597	35,554	151,792	27%	165,097	(13,306)
DMV	103,356	6,142	23,400	23%	24,722	(1,322)
Animal Control Officer	131,564	10,777	40,971	31%	37,951	3,021
K-9	83,719	60	261	0%		
PS IT	21,500	1,148	8,824	41%		
Fire	299,447	10,821	50,606	17%	76,140	(25,535)
Public Works Administration	237,954	15,183	54,915	23%	38,230	16,685
Building and Grounds	326,357	25,400	131,212	40%	78,736	52,476
Shop	267,525	16,095	62,344	23%	58,384	3,960
Street	605,656	40,780	199,848	33%	159,502	40,346
Foreclosed Properties	-	-	-	0%	51,133	(51,133)
Library	203,996	10,598	46,207	23%	39,326	6,881
Museum	4,000	-	-	0%	-	-
City School	1,300,000	325,000	650,000	50%	325,000	325,000
Transfers to Other Funds	1,033,383	-	-	0%	-	-
Total General Fund Expenditures	8,304,017	739,598	2,410,396	29%	2,146,658	234,840
Special Revenue Funds Expenditures						
Nushagak Fish Tax	710,883	-	-	-	-	-
Water	224,479	12,582	43,250	19%	38,419	4,831
WasteWater	263,138	15,205	86,161	33%	67,215	18,946
Landfill	339,298	17,719	89,699	26%	94,023	(4,324)
Dock	426,996	28,523	160,270	38%	160,393	(123)
Boat Harbor	214,524	13,897	93,100	43%	72,413	20,687
E-911 Service	14,060	5,446	21,784	155%	-	21,784
Senior Center	469,969	24,353	135,405	29%	346,179	(210,774)
Total Special Revenue Fund Expenditures	2,663,347	117,726	629,669	24%	778,641	(148,972)
Debt Service Fund Expenditures	1,177,840	872,295	1,174,590	100%	315,920	858,670
Asset Forfeitures Fund	-	-	-	-	10,948	(10,948)
Library Technology (OWL & Tech Aid)	68,980	-	-	-	3,000	(3,000)
Library Roof	250,000	-	70	-	-	70
Dock and Harbor Capital Project Fund Expenditures	-	-	48,287	-	15,972	32,315
Road and Streets Capital Project Fund Expenditures	-	-	-	-	1,096,591	(1,096,591)
WasteWater Treatment Plant	2,280,000	537	2,399	0%	-	2,399
Force Main	1,800,000	382,387	1,269,510	71%	34,320	1,235,190
School Bond Project Fund Expenditures	-	-	-	-	16,463	(16,463)
Homeland Security	-	-	-	-	20,278	(20,278)
JAG Grant	-	-	-	-	-	-
Equipment Replacement Capital Proj Fund Expen	100,000	-	-	0%	86,844	(86,844)
Ambulance Reserve Capital Project Fund Expen	38,000	-	-	-	-	-
Mary Carlson Estate Permanent Fund Expenditures	10,000	126	883	9%	3,132	(2,249)
Landfill Capital Project Fund Expenditures	-	-	-	-	2,695	(2,695)
Total	5,724,820	1,255,345	2,495,740	44%	1,606,164	889,575
Total Expenditures	16,692,184	2,112,669	5,535,805	33%	4,531,463	975,443
Revenues Over (Under) Expenditures	277,635	(1,204,265)	(1,355,580)		781,158	(2,107,840)

City of Dillingham
Revenues and Expenditures As of October 31, 2012
Preliminary Figures

	Fund Bal. 6/30/2011	FY'13 Revenues	FY'13 Expenditures	Add or (-) Fund Bal	Fund Bal. 10/31/2012
General Fund	3,893,876	3,220,604	2,410,396	810,207	4,704,083
Water and Sewer	70,644	145,452	129,411	16,041	86,685
Landfill	-	37,903	89,699	(51,797)	(51,797)
Dock	1,580,187	159,112	160,270	(1,157)	1,579,030
Boat Harbor	-	29,149	93,100	(63,951)	(63,951)
E-911 Service	130,632	16,588	21,784	(5,196)	125,436
Asset Forfeitures Fund	37,220	-	-	-	37,220
Senior Center	-	105,056	135,405	(30,349)	(30,349)
Debt Service	-	209,438	1,174,590	(965,152)	(965,152)
Dock and Harbor Capital Project Fund	(18,386)	71,925	48,287	23,638	5,252
Road and Streets Capital Project Fund	-	-	-	-	-
WasteWater Treatment Plant	-	-	2,399	(2,399)	(2,399)
Water and Sewer Capital Project Fund	(58,393)	117,999	1,269,510	(1,151,511)	(1,209,904)
School Bond Project Capital Project Fund	956,055	-	-	-	956,055
JAG Grant	-	59,719	-	59,719	59,719
Library Technology	-	7,280	-	7,280	7,280
Library Roof	-	-	70	(70)	(70)
Equipment Replacement Capital Project Fund	76,704	-	-	-	76,704
Ambulance Reserve Capital Project Fund	452,955	-	-	-	452,955
Mary Carlson Estate Permanent Fund	407,132	-	883	(883)	406,249
Landfill Capital Project Fund	172,044	-	-	-	172,044
Total	7,700,670	4,180,224	5,535,805	(1,355,580)	6,345,090

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: November 27, 2012
To: Rose Loera, City Manager
From: Sonja Marx, Librarian
Subject: November Monthly Report

The Library Board met Monday, Nov. 19th here at the Library. Two board members from the Friends of the Library joined us as we went over the five year plan, code revisions, etc. The FOL continue to have their monthly meetings with a successful book sale again on Nov. 3rd. We are so thankful for the three tables they have recently purchased for the library using the funds raised from book sales, raffles, etc.

The Alaska OWL video conferencing equipment was used 12 times this month. These sessions included the Saturday genealogy group, the Dillingham Middle school classes, the Alaska State Troopers, and our own training for staff at the library. On Dec. 5th our staff will have training on the technology bundle we received from the Alaska State Library and the Institute of Museum and Library Services. This bundle includes a Nook, a Kindle, and an iPad with covers, charging cords, and a \$100 book purchase gift card to load each piece of equipment with ebooks. However, because our library submitted an ILC grant application last spring for e-readers, etc. (which was not funded), we are receiving two of these bundles instead of one! These bundles will complement the Alaska OWL project we are a part of (broadband internet with GCI & all the equipment).

We are looking into a book leasing or purchase plan with McNaughton to provide new adult titles each month for the library. Our Junior Library Guild subscription continues to send us two new junior fiction or non-fiction books each month for our collection.

Library Stat report for October 22 – November 25, 2012:

Patron Visits: 2,450 Computer Use: 955 Story Hour: 65

Class Visits: 89 Museum Use: 6 Videoconferencing: 33

Approximately 14.5 volunteer hours logged

The Library was closed Nov. 12th for Veteran's Day and Nov. 22nd-23rd for Thanksgiving

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

City of Dillingham

Page 1 of 1

Chapter 2.80
PUBLIC LIBRARY

Sections:

- 2.80.010 Established
- 2.80.020 Purpose
- 2.80.030 Management
- 2.80.040 Library Board.
- 2.80.050 Library board duties.
- 2.80.060 Vacancy.
- 2.80.070 City council may remove any member(s) for just cause.
- 2.80.080 Organization and procedures.
- 2.80.090 City manager and librarian to act as ex-officio members.
- 2.80.100 Policies and procedures.
- 2.80.110 Librarian.
- 2.80.120 Inventory of books and other property.
- ~~2.80.130 Violation of library property.~~
- ~~2.80.140 Violation prohibited.~~

2.80.010 Established. There shall be a library in and for the city of Dillingham to be known as the Dillingham Public Library. (Ord. 95-04 §1 (part), 1995.)

2.80.020 Purpose. The Dillingham Public Library shall provide community library services to the residents and visitors of Dillingham and may apply for and receive grants and donations for such purpose. (Ord. 95-04 §1 (part), 1995.)

2.80.030 Management. The City Council shall have the overall authority and responsibility for the city library. (Ord. 95-04 §1 (part), 1995.)

2.80.040 Library Board. A. There is established the Dillingham Public Library Board, consisting of ~~seven~~ five members, ~~five members~~ who are appointed by the City Council, ~~one appointed by the University of Alaska Fairbanks Bristol Bay Campus, and one appointed by the Dillingham Middle/High School.~~ The University and the Dillingham School board members shall be appointed by their respective organizations. The members shall be adult residents of Dillingham.

B. Members of the board shall serve for terms of ~~three~~ two years, or until their successors are appointed, ~~with the exception of the school appointed board members who will be appointed at the discretion of their respective organizations. and qualified; provided, that~~ The terms of no more than three members shall expire in any one calendar year. ~~Terms will expire September 30th.~~

C. Members shall serve without pay, except that they may be compensated for expenses in accordance with the budget appropriations. (Ord. 95-04 §1 (part), 1995.)

2.80.050 Library board duties. A. Establish operational policies for the library program, and submit same to the City Council for approval. All policies of the program established by the Library Board are effective until review by the council and remain effective unless specifically disapproved by the Council. (Ord. 95-04 §1 (part), 1995.)

2.80.060 Vacancy. In the event of a vacancy for any reason, the City Council shall appoint a person having the qualifications as provided in Section 2.80.040 to fill such vacancy for the unexpired term. ~~If a member has three consecutive absences from regular meetings, without excuse, such seat shall immediately be declared vacant.~~ (Ord. 95-04 §1 (part), 1995.)

2.80.070 City council may remove any member(s) for just cause. The City Council may remove a member for cause by majority vote at a public meeting. (Ord. 95-04 \$1 (part), 1995.)

2.80.080 Organization and procedure. A. Each October at a regular meeting the members of the Board shall elect a chairman, vice chairman and secretary to conduct business for the following year. In the event of vacancy in these offices, the members shall promptly elect interim officers to serve until the regular election of officers the following October.

B. The Board may adopt laws for the orderly conduct of its business. In the absence of bylaws, meetings shall be conducted in accordance with Robert's Rules of Order.

C. The Board shall establish a time and place for regular meetings and make such information available to the residents of Dillingham.

D. Special meetings of the Board may be called by the chairman, or in the chairman's absence, the vice chairman, or by any two members of the Board, on any question, upon two days' prior notice.

E. The board shall keep records or minutes of its meetings as permanent records of the city. (Ord. 95-04 \$1 (part), 1995.)

2.80.090 City manager and librarian to act as ex-officio members. The city manager and the librarian shall serve as ex officio members of the board, but shall have no vote or office. (Ord. 95-04 \$1 (part), 1995.)

2.80.100 Policies and procedures.

A. The Board shall advise the City Council on policies and procedures desirable for library operation, shall provide for the acceptance of gifts, endowments and other like donations; may advise the librarian on preservation and protection of historical donations and acquisitions.

~~B. On or before September 15th of each year the board shall submit to the city council a written report concerning the proceedings of the board with reference to the library and a statement of all receipts and expenditures, donations, gifts and acquisitions and their value and the value of any lost or destroyed property during the preceding fiscal year.~~

~~C. The board shall prepare rules for the operation of the library including, but not limited to, the hours of operation, length of time books or other items may be borrowed and fines. All rules must be approved by the city council.~~

B. The board shall perform all necessary and proper acts permitted by this chapter, or as assigned by the City Council, for the development and maintenance of the library and its programs. (Ord. 95-04 \$1 (part), 1995.)

2.80.110 Librarian. There is established the position of librarian for the Dillingham Public Library, who shall be appointed by and serve under the supervision of the city manager. The librarian shall be responsible for the efficient and economical conduct of the library. (Ord. 95-04 \$1 (part), 1995.)

2.80.120 Inventory of books and other property. All books and other property owned by the library shall be cataloged and inventoried and clearly marked as property of the Dillingham public library. (Ord. 95-04 \$1 (part), 1995.)

~~2.80.130 Violation of library property. A. No person shall willfully detain any library property for more than thirty days after the date upon which it was to be returned. Notification that library property is overdue may be made by mail. A person who fails or refuses to return overdue property shall be liable for the full replacement value of the overdue property.~~

~~B. The librarian shall revoke borrowing privileges for any person who accrues more than ten dollars in fines for overdue property or who, upon notice, has failed or refused to return borrowed property thirty days thereafter, or who has failed or refused to pay the full replacement cost of borrowed property. (Ord. 95-04 \$1 (part), 1995.)~~

~~2.80.140 Violation prohibited. Violation of this title constitutes a misdemeanor and is punishable by a fine of not more than three thousand dollars. (Ord. 95-04 §1 (part), 1995.)~~

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: November 29, 2012
To: Rose Loera, City Manager
From: Jody Seitz, City Planner
Subject: Monthly Report

Communications: Have a request to install fish art on Carlson Property Wall.

GIS: new imagery has arrived. Can see telephone poles with this new satellite imagery. Nushagak and BBNA are partnering with the City for the purchase. Each will pay approximately \$1500 for the purchase, a serious savings over aerial photography which would have cost upwards of \$70,000 for the image of the whole community.

Grants: CDBG grant in progress. Planning Commission held the required public hearing for community input on the choice of projects. Working with Agnew Beck we have gotten permission from ADCCED to apply using the Dillingham census area average income. The Census Area population is 53.1 percent low to moderate income. The City of Dillingham population is 37% low to moderate income, according to the 2000 census, which is what is being used for this round of applications.

For this grant the Department of Public Safety Dispatch office produced a report detailing the significance of the assistance provided by the Dillingham office of Public Safety to the surrounding census area. This report shows that half of all jail inmates so far during 2012 were arrested by state troopers or VPSOs in surrounding communities. The other statistic it revealed is that 38% of all calls to assist other agencies are calls to assist state or other agencies with calls originating outside the Dillingham City limits.

Neighborhood Initiative: The Planning Commission approved 3 grant requests: one for a mosaic at the University; another for a sign for the ski trail to be established this year; and one for exercise equipment at the Senior Center.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*
City of Dillingham

Ordinances: the Planning Commission is working on rewriting the Land Use Permit Code. The commission feels strongly that a reduction in the number of things requiring a permit would reduce public frustration as well as the workload for the planner .

Platting: Planning Commission postponed action on Tuntuvak Subdivision to allow the family to resolve access issues. There is a private road access easement between the proposed subdivision and the Wood River Road. City Attorney advised the commission that City ordinances prevent passage of a subdivision that does not have legal and physical access to a dedicated public right of way.

Road Projects:

Downtown Streets – ADOT project 57180.

Goal for 2013: Community accepts design and understands impacts. ADOT begins process for acquiring right of way.

Timeline:

Early March – receive 30% design and rendering. Hold 2 public workshops to discuss the ideas presented in the rendering and finalize recommendations.

Utility conflict review. Draft geotechnical report. WEBSITE established.

June – receive 65% design “Plans in Hand”. Hold public meeting to discuss.

August – Funding encumbered for right of way.

January – 95% design.

Spring 2014: Public Meeting.

- **Amenities:** ADOT can install lights, Junge to investigate whether project will pay for these.
- **Revised scope of Work:** project ends at the intersection of Kanakanak Road and D Street. It no longer includes the section of Kanakanak Road from D street to the Harbor Road entrance. That project is being handled as part of ADOT Kanakanak Road to Squaw Creek project.
- **Planning Commission needs to review CSS workshop findings and recommendations.**

Kanakanak Road D st to Squaw Creek– Staff is contacting PM Sean Holland to find out updated schedule and scope of the project.

STIP: Planner met with David Post, who is the City’s contact at ADOT while they search for a new WW Area Planner to replace MaryJane Sutliff. Mr. Post gave myself and Julie Baltar of BBNA a rundown of the new federal transportation policy, MAP 21, which replaces SAFET-LU. The upshot is that fewer dollars are expected to be spent in the Community Transportation program, the one that funds roads in rural communities such as Dillingham.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*



Dillingham Dept. of Public Safety

2012 Surrounding Communities Serviced By:

Dispatch Center

Correctional Center

Prepared by:

Acting Police Chief Dan Pasquariello

Corrections Sergeant Bill Bauer

Dispatch Supervisor Alicia Warch

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Paul Liedberg
Keggie Tubbs
Bob Himschoot
Tracy Hightower
Tim Sands

MEMORANDUM

Date: November 20, 2012
To: City Planner Jody Seitz
CC: City Manager Rose Loera
From: Sgt Dan Pasquariello
Interim Chief of Police
Subject: Dillingham DPS – villages serviced

The Dillingham Dept. of Public Safety (*DDPS*), like the community of Dillingham itself, serves as a regional Hub for public Safety/emergency response in the Bristol Bay region. Attached are graphs showing the percentage of total DDPS services provided to the surrounding communities, for the calendar year of 2012 (*as of November 15th*).

DDPS Dispatch Center

The DDPS Dispatch Center acts as the regional Dispatch Center for the western Bristol Bay Region. After 4:00 pm AST forwards their telephone lines to the DDPS Dispatch Center, who then dispatches public safety/emergency responses for the surrounding regional villages until the following morning at 8:00 am. Additionally the Dispatch Center pages out EMS for medivacs to and from the surrounding villages to Kakanak Hospital and Anchorage.

Percentage of total DDPS calls dispatched to AST 12%

Of these calls:

Percentage of in Dillingham AST dispatch service 62%
Percentage of surrounding village AST dispatch service 38%

The main surrounding villages serviced by the DDPS Dispatch Center are Togiak, Manokotak, Aleknagik, and New Stuyahok. An additional 30 communities also received dispatch services.

DDPS Correctional Center

The **DDPS Correctional Center** is the regional jail for inmates in the western Bristol Bay region. Persons arrested by the Dillingham Police are not the only ones held in our facility. Persons arrested by the Alaska State Troopers (*AST*) and Village Public Safety Officers (*VPSO*) are also held in our facility.

Percentage of City of Dillingham arrestees held	50%
Percentage of surrounding village arrestees held	50%

The main surrounding villages housing prisoners at the DDPS Correctional Center are Togiak, Manokotak, Aleknagik, and New Stuyahok.



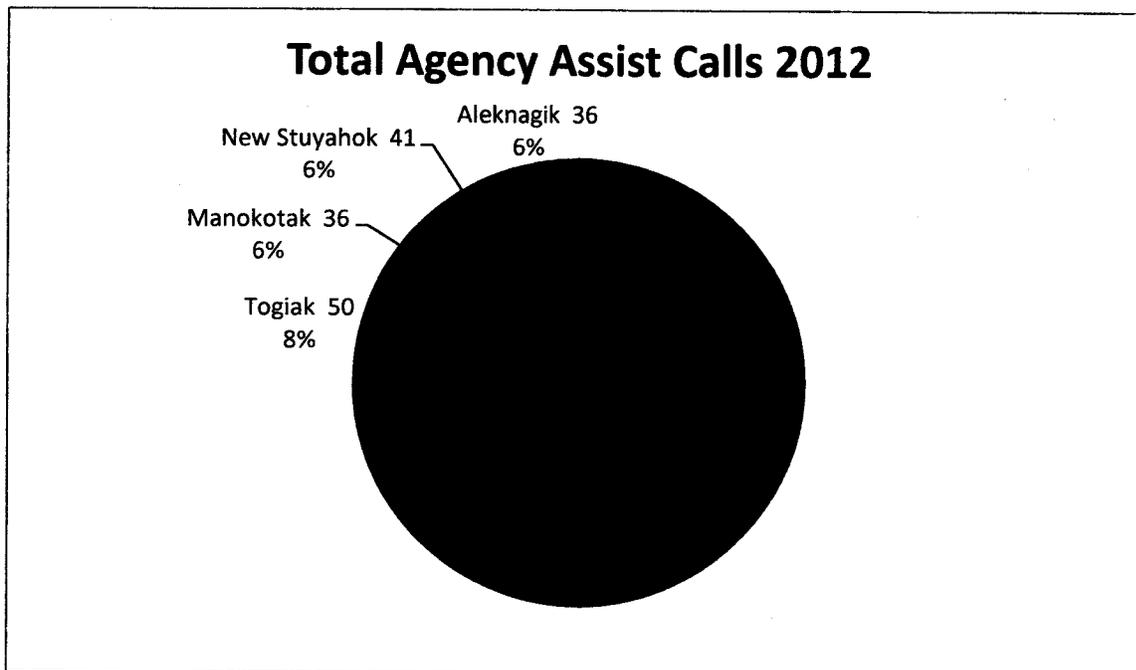
CITY OF DILLINGHAM

Department of Public Safety

104 D Street
 P.O. Box 809
 Dillingham, Alaska 99576

24 Hr. (907) 842-5154
 (907) 842-5172
 Fax (907) 842-5785

Dillingham Department of Public Safety serves as the major epicenter for dispatch needs and traffic in the Bristol Bay community. Currently for the calendar year 2012 there have been **650** agency assist calls for the Alaska State Troopers and other state organizations. The graph below illustrates the locations of the majority of those calls. This is an approximation based on the "big five" with all others put into a miscellaneous category.



As shown above a great many calls are serviced outside the city limits of Dillingham as well as the jurisdiction of the Dillingham Department of Public Safety approximately **38%**. The others category holds **12%** and the major portion of the outside calls. The list below and on the following page gives an accurate breakdown of that percentage represented in red above.

ATKA 1	CHIGNIK BAY 5	CHIGNIK LAKE 1	CLARKS POINT 7
EKUK 8	EKWOK 16	FALSE PASS 1	GOODNEWS 3
IGIGIK 2	ILLIAMNA 1	KOLIGANEK 5	MULCHATNA RVR 1
NAKNEK 4	NELSONS LAGOON 1	NEW HALEN 3	NONDALTON 4

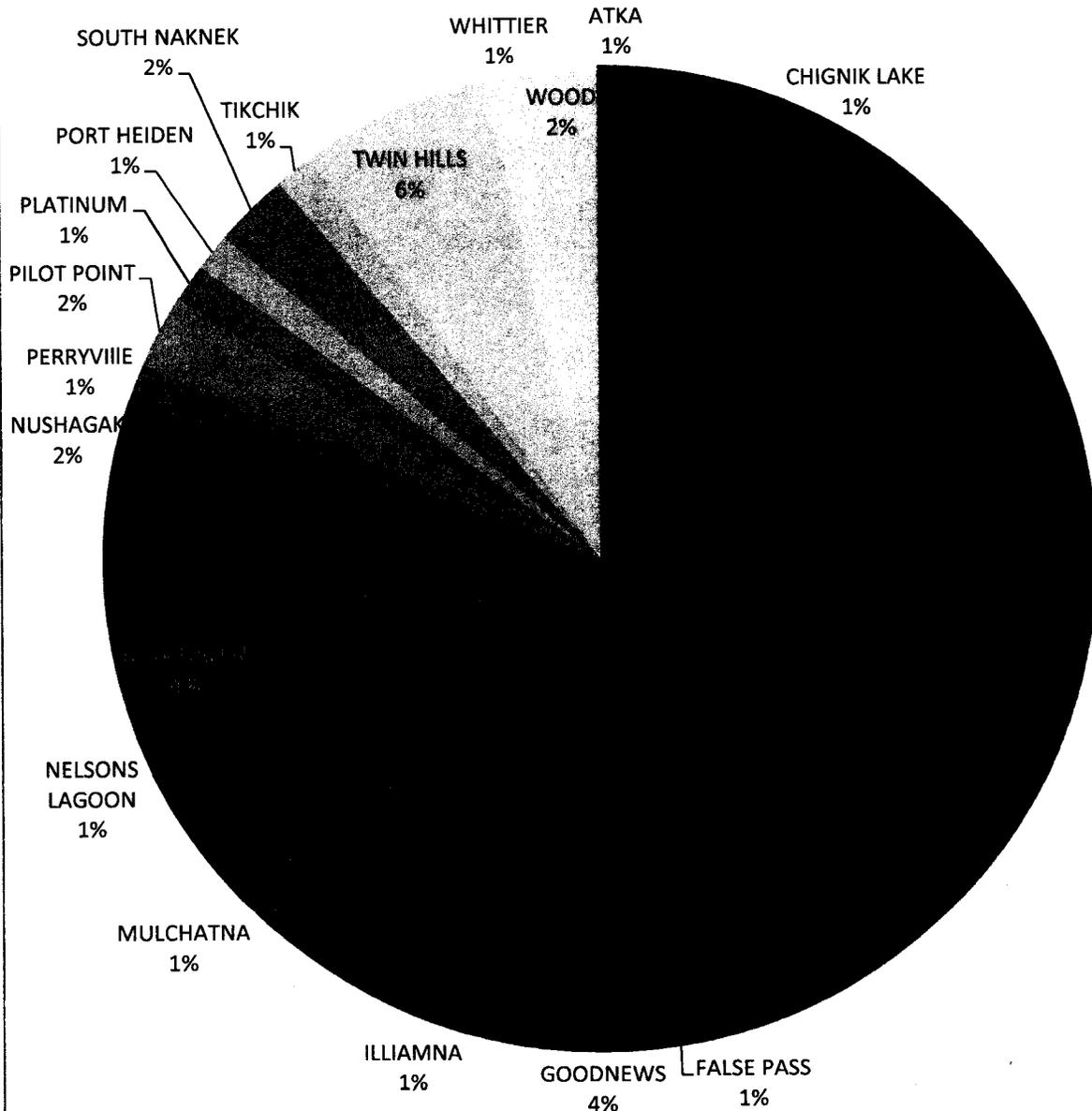
NUSHAGAK RVR 2
PORT HEIDEN 1
WHITTIER 1

PERRYVIIIIE 1
SOUTH NAKNEK 2
WOOD RVR 2

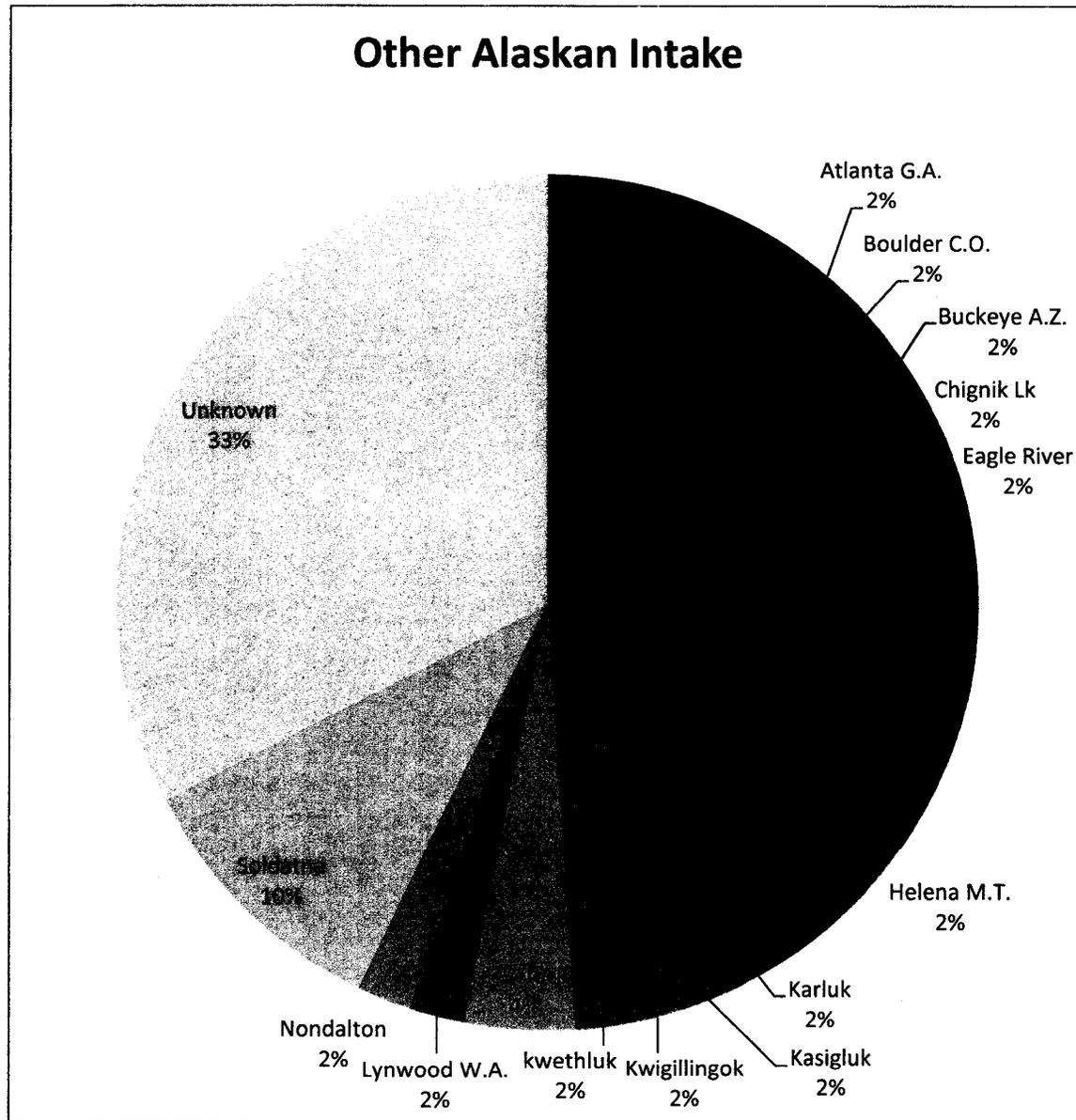
PILOT POINT 2
TIKCHIK 1
TOTAL:81

PLATINUM 1
TWIN HILLS 5

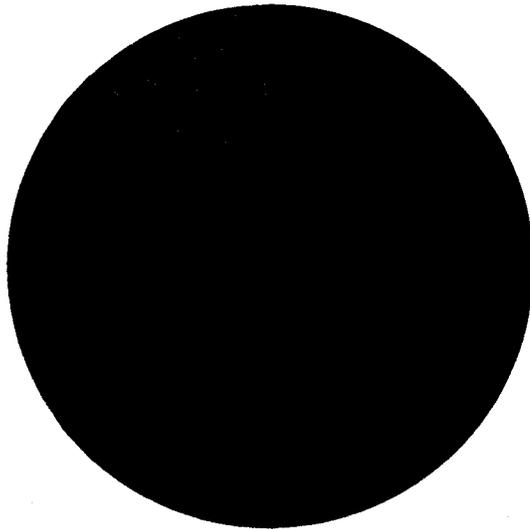
Miscellaneous communities



The chart below indicates intake from "Other Western Alaska regions" from chart on the prior page. It should be noted that some arrest were made on individuals not from Alaska. This is irrelevant being they were arrested in a village outside of the Jurisdiction of Dillingham. The unknown are due to insufficient information upon booking.



2012 Village or Town intake



- Dillingham 50%
- Togiak 14%
- Manokotak 11%
- New Steyahok 8%
- Aleknagik 5%
- Other Western Alaska 12%

Note the current year is still being accounted for.

Planning Commissioners

Terry Hoefflerle, Deputy Chair, Seat A
Paul Liedberg, Chair, Seat B
Bill Rodawalt, Seat C



Rachel Muir, Seat D
Andy Anderson, Seat E
Izetta Chambers, Seat G

(Not Yet Approved)

**REGULAR MEETING MINUTES
November 20, 2012**

I. CALL TO ORDER

The regular meeting of the Planning Commission was held on November 20, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Paul Liedberg, Chair, called the meeting to order at 5:30 p.m.

II. ROLL CALL

Members present: (Quorum is four)

Paul Liedberg, Chair, Seat B
Bill Rodawalt, Seat C
Andy Anderson, Seat C
Rachel Muir, Seat D
Terry Hoefflerle, Seat A

Members absent:

Izetta Chambers, Seat G

Staff in Attendance: Jody Seitz, City Planner

Guests: none

III. APPROVAL OF AGENDA

MOTION: Terry Hoefflerle moved. Bill Rodawalt second.

Amendments to Agenda: Planner Seitz stated that item VII C could be removed from the agenda because the action was all on private property.

Chair Liedberg says in the minutes the PC discussed a resolution for Choggiung re: the ski trail. Did anything happen on that or if it could come back on next months agenda? Planner Seitz reported the PC made no motions re doing that.

GENERAL CONSENT: The motion to approve the agenda passed unanimously.

IV. APPROVAL OF MINUTES

A. Minutes of November 2, 2012

MOTION: Rachel Muir moved to approve the Minutes of November 2. Terry Hoefflerle seconded the motion.

Discussion: Under item VII A. Resolution 2012-20 Recommend Approval of Art Installation on Carlson Property Wall.....Chair Liedberg commented that he believed that the PC left the wording as it was originally. PC members agreed that that was the intent of the discussion.

VOTE: The motion to approve the amendment to the minutes of November 20 passed unanimously.

V. COMMUNICATIONS

A. Planner's Report

Planner Seitz commented on the public hearing for the CDBG grant to come during this meeting. Discussed the difference between tabling and postponing a resolution, that if there was a date for the resolution to be heard again, there is no need to notify agencies again.

Other issues besides those in the report:

- That the CDBG is a federal grant administered by the state.
- That there is funding remaining from the force main relocation project which could possibly be redirected to lift stations which aren't built to current standards and are hazardous – no separation between electrical components and methane gas.
- That the problem with relocating the force main has been resolved.

B. Communications to the Planning Commission

- Planner contacted M. Savo re: Tuntuvak Subdivision to relay attorney's advice

VI. PUBLIC HEARINGS

A. Tuntuvak Subdivision

Opened public hearing at 5:52 and closed it 5:53. No public here to testify on this.

B. Community Development Block Grant- opened public hearing at 5:53 p.m.

Planner relayed what the Community Development Block Grant can be used to fund: acquisition, construction, reconstruction of public facilities and improvements like health clinics, daycare centers, shelters for homeless, water and sewer systems, solid waste disposal facilities, community centers, docks

and harbors, electrical distribution lines, fuel and gas distribution systems, transportation improvements, removal of architectural barriers, acquisition and disposition of real property, design and engineering plans, fire protection facilities and equipment. It can conduct studies, collect data, do marketing, feasibility studies, comprehensive land use plans, erosion control plans, community economic development plans, prepare capital improvement plans, update any of the above, all under planning. It can also do special economic development projects.

Ineligible projects are: equipment, government buildings, regular government operations, maintenance and operations, and political activities.

Who can apply: incorporated cities and boroughs. There is a maximum amount of \$850,000 per grant. They expect to grant about 5-7 projects with what they have this year.

The proposed project currently needed in Dillingham, through the CIP process, and working with the manager, and the council and planning commission, was Fire and Public Safety Facilities. We're hoping that through getting a planning grant through CDBG we can proceed to decide: are we going to do one building or two, what's going to be in the building, how to fund it, and get 10% design out of the project.

Planner Seitz has been working with Agnew::Beck to develop this grant.

Tonight asks if there are any citizen comments on the proposed project and if there are other examples of projects people would like to see the CDBG used for and then hopefully get the Planning Commission support for this project.

Further questions produced the following comments:

- That there's only \$2 million in Community Development Block Grant funds for distribution this year.
- The City would ask for about \$150,000 and the match can include in-kind labor and the building assessment.
- 1/3 match is required.
- That the grant application has resulted in interesting data about the Dillingham Police department from dispatch data.
- 1/2 all inmates have been brought there by state troopers
- 650 agency assist calls this year; 38% of them are state or other agency assist which originated outside of Dillingham
- 2 calls per day are to assist other agencies
- This allows Dillingham to submit the grant under the census area, rather than just the City of Dillingham.

Comments

- The biggest issue seems to be whether to build one facility or two.

Commissioner Rachel Muir, who is a Public Health Nurse, questioned whether another multiple use facility might be gotten through CDBG because there is no place to exercise indoors, and that the community needs a recreational facility, a community center. Dillingham has very high rates of obesity and from a public health standpoint it would be very beneficial. Planner Seitz says the city manager has expressed that it is possible for a group of citizens to pursue a strategy to fund such a thing, but then the long term problem is how to keep it going. It would be good to look to the CDBG for other projects like that in the future.

There were no members of the public present for this hearing other than commissioners.

- *Chair Liedberg closed the public hearing at 6:00 p.m.*

VII. UNFINISHED BUSINESS

A. Downtown Streets

- Fixing D street by the Senior Center and Seward Street is not currently assured when the Downtown Streets project happens.
- Manager and Planner met with lobbyists to ask them to work on getting at least a little funding for several projects, including those streets and the utilities under the streets.
- Question about the number of turnaround communications required for coming up to speed on the downtown streets project.
- Question about the timeline for the downtown streets project.
- That Kanakanak road project timeline is not clear.
- That ADOT wants Planning Commission to reaffirm where the City stands on its previous recommendations from the Context Sensitive Solutions workshops.
- Schedule review of the project for Friday, Dec. 14 at noon.

- ### **B. Parliamentary procedure** – Planner Seitz passed out parliamentary procedure booklets and information from a Planning Commission handbook on ex-parte communication.

VIII. NEW BUSINESS

A. Resolution 2012-22 to approve the preliminary plat of Tuntuvak Subdivision

Planner Seitz passed out her plat report and related resolution for approval of the preliminary plat. She reported they have been revised based on advice from City Attorney Brooks Chandler who advises against passing the plat until public access is provided to Wood River Road.

Planner Seitz reviewed the plat with the Planning commission per her revised report.

- That it is possible there is incomplete and inaccurate information about landownership south of the proposed subdivision

- That it is possible that the landowners south of the proposed subdivision have public access over adjacent public land.

Discussion:

- That public access to Wood River Road to the subdivision is required by code.
- That the planning commission could either pass the plat conditionally or wait until December to address it, that the code requires the Planning Commission to deal with the plat within 60 days.
- That the ordinance dictates this has to be a public road before we can pass this and pointing that out to all the landowners is important.
- Question about whether the landowner has to improve the road for it to be a public access easement, whether the Planning Commission can require it to be the minimum feet of 50 feet.
- If the road is not built to city standards, city has no obligation to maintain it.
- It's the landowners' responsibility to approach the neighboring landowner about changing the easement.
- There are questions about the combination of private easement, utility easements, and public drive that are unknown
- Question about whether grandfather rights apply.
- That the applicant was called today and informed about the attorney's opinion.
- Gives time to family to consider its options. There are financial implications to the planning commission's decisions.
- Should probably postpone decision. Planning Commission needs to point out the deficiencies and offer a solution or solutions to the problem.
- The ordinance dictates this needs to be a public road before we can pass this, and that pointing that out to all the landowners is important and then following the ordinance.

Does the landowner have to make improvements to make it a public road.

- Important to not injure someone by being dilatory in this process.
- We do have the ordinance, and it's a good one, and this just points out again the difficulty we're going to have in moving from a community with 60-70% of its residential land tied up in native allotments, and moving from that to a situation where land use reflects the municipal ordinance and good policy.
- Can we learn something from this – about the process of getting from traditional and customary to where things conform to best practices.

- Don't know if we can learn from it or not, but if we don't take a bigger look at these issues when they come up, we'll look at them individually forever, and probably earn the enmity of many of the people we deal with forever.

The applicant commented to Planner Seitz, "I don't understand how come I can't do this and my sister can?" It's a misunderstanding of what happened with the plat. The access easement that serves US6166, her sister had access from a neighboring parcel's public driveway....Can't perpetuate private road easements – example is Squaw Creek Road...where the beginning of the road is private...and the road cannot be improved as a public road.

- Postponing is the general concensus is to postpone the plat, with good recommendations to the landowners and the surveyor about shortcomings of the plat. The big things are the recommendation for the public easement, and that it could be platted on the same plat. That there should be a request for 50' since there is a utility easement which could be added to the easement.

Motion: Bill Rodawalt moved to postpone action until next meeting; Andy Anderson seconded.

Vote: General consent.

Motion: Bill Rodawalt moved to suspend the rules to take up the motion that we ask the staff to convey the information as outlined in the revised staff report dated November 20, 2012, with the addition of Point L, request 50" easement. Second by Terry Hoefflerle. There was a two-thirds majority to temporarily suspend the rules.

Vote: unanimous in favor.

The applicant had asked how the Planning Commission can require a public access easement to her subdivision. Planner Seitz passed out Public Law which is the legal underpinning of the Planning Commission's authority to request public access on Native Allotment subdivisions. It allows Allottees to go through the local Platting Authority and the same rules apply to all subdivisions.

B. Resolution 2012-23 – Supporting Use of CDBG for planning Fire and Public Safety Facilities.

Motion: Rachel Muir moved to approve. Bill Rodawalt second.

VOTE: unanimous consent.

C. Resolution 2012-24 – Approval of Encroachment for utilities– removed from agenda

D. Election of Chair of the Planning Commission

Terry Hoefflerle nominates Andy Anderson.
Andy Anderson nominates Bill Rodawalt as chair. Terry Hoefflerle seconds.
Andy Anderson requests his nomination be rescinded.
Terry Hoefflerle withdrew his nomination of Andy Anderson.
Bill Rodawalt nominates Izetta Chambers.

Request to staff to send email to Izetta to let her know she's been nominated then send that response to all commissioners and then format so that commissioners can return their vote to Planning Department staff.

Motion: Bill Rodawalt moved to postpone action on electing a chairman
Second: No second

Chair Liedberg requested that each individual vote by email and send vote to staff who will then notify the commission who was elected.

VII. COMMISSION COMMENTS

Rachel Muir would like to see the use of the CDBG grant expanded.

Andy Anderson: none

Terry Hoefflerle: none

Bill Rodawalt: none

Paul Liedberg – notified the City Council Code Committee about the Planning Commission work on Land Use Permit code. There is interest by the public on regulating taxis in town. Next Code committee December 13, 2012. Also he has received 3 complaints today about KNik Construction clearing all the trees between the gravel pit and the road. Suggests a clear role for the Planning Commission to have some type of conditional use permits to regulate that type of activity.

Thanks for your support all the past several years.

VIII. ADJOURNMENT

Chair Liedberg adjourned the meeting at 7:15 p.m.

Paul Liedberg, Chair

Date

Jody Seitz, Acting Planning Commission Clerk

Date

RESOLUTION 2012-23

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Supporting application to the Community Development Block Grant Program

WHEREAS, the Dillingham Planning Commission did hold a public hearing on applying to the Community Development Block Grant Program on November 20, 2012; and

WEHREAS, the Dillingham Planning Commission reviewed the types of proposals which are potentially eligible to receive funds from the program; and

WHEREAS, projects such as Fire and Public Safety facilities are eligible; and

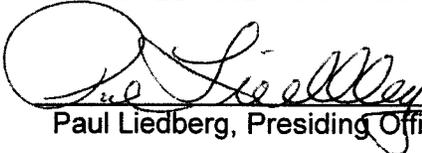
WHEREAS, at the November 20th meeting the Dillingham Planning Commission took public comment on the CDBG proposed project and solicited alternative proposals for consideration; and

WHEREAS, the project to develop new downtown Fire and Public Safety Facilities has been a need of the City for many years as is demonstrated in most of the City's Capital Improvement Plans for more than a decade; and is a need reflected in the 2010 Update of the City's Comprehensive Plan, and

WHEREAS, the Community Development Block Grant Program serves low to moderate income populations, and the City of Dillingham departments of Fire and Public Safety provide emergency, fire and public safety services to the Dillingham census area as well as communities of the Lake and Peninsula borough, which are low to moderate income populations;

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, supports the application for planning funds from the Community Development Block Grant Program.

APPROVED AND ADOPTED THIS 20th DAY OF November, 2012.


Paul Liedberg, Presiding Officer


Jody Seitz, Acting Commission Clerk

Planning Commissioners

Terry Hoefflerle, Deputy Chair, Seat A
Paul Liedberg, Chair, Seat B
Bill Rodawalt, Seat C



Rachel Muir, Seat D
Andy Anderson, Seat E
Izetta Chambers, Seat G

**REGULAR MEETING MINUTES
November 2, 2012**

I. CALL TO ORDER

The regular meeting of the Planning Commission was held on November 2, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Paul Liedberg, Chair, called the meeting to order at 12:10 p.m.

II. ROLL CALL

Members present: (Quorum is four)

Paul Liedberg, Chair, Seat B

Izetta Chambers, Seat G

Bill Rodawalt, Seat C

Andy Anderson, Seat E

Rachel Muir, Seat D

Terry Hoefflerle, Seat A

Members absent:

none

Staff in Attendance: Jody Seitz, City Planner

Guests: Gregg Marxmiller, SAFE

III. APPROVAL OF AGENDA

MOTION: Izetta Chambers moved. Bill Rodawalt second.

Chair Paul Liedberg added discussion of new chair to agenda under New Business item C for action at the next meeting. Under item D, recognition for Choggiung on making their property available for a ski trail. Both are for discussion to be taken up for action at next meeting.

GENERAL CONSENT: The motion passed unanimously.

IV. APPROVAL OF MINUTES

A. Minutes of September 18, 2012

MOTION: Terry Hoefflerle moved Andy Anderson seconded the motion to approve the minutes of September 18, 2012.

Discussion: change item VII 7B Resolution 2012-15 vacating alleyway as follows: delete "was unknown" under location of sewer line; delete "amount of" and "needed unknown" so that the second bullet just says "easement. "

Chair Liedberg suggested amending the second bullet to read "easement considerations." Terry Hoefflerle accepted the amendment.

MOTION: Terry Hoefflerle moved the previous question. *(Clerk Note: The effect of this motion is to immediately stop debate. There was no second.)*

VOTE: The motion to approve the amendment to the minutes of September 18, 2012, passed, with Paul Liedberg, Izetta Chambers, Bill Rodawalt, and Terry Hoefflerle voting in favor, and Andy Anderson opposed.

MOTION: Terry Hoefflerle moved to adopt the minutes of September 18, as amended. *(Clerk note there was no second.)* No further discussion.

VOTE: The motion to adopt the minutes of September 18 as amended passed by unanimous consent.

V. COMMUNICATIONS

- A. **Planner's Report**
Planner Seitz reviewed her report.

Discussion about reworking the land use permit ordinance and that it has been the subject of discussion for more than a year.
General agreement to hold one hour workshop at Noon, Friday, November 16.

Discussion about landfill and recycling, biomass processing, composting initiatives.

- B. **Communications to the Planning Commission**
Gregg Marxmiller presented on a project to attach fish onto the retaining wall at the Carlson Property. Discussion about ideas for the installation. Would like to put up a few fish for a materials test because this appears to be a "high danger" area. Different ideas were discussed for the continuation of the fish project at various places around town.

VI. PUBLIC HEARINGS – none.

VII. UNFINISHED BUSINESS

- A. Downtown Streets Timeline – Planner Seitz reviewed the timeline and encouraged Planning Commission to revisit their decisions during the Context Sensitive Solutions workshops. Seitz to send link to the downtown streets information in the Planning Department dropbox.
- B. Public Alley between lots 6 and 7 of Block 18 USS 2732 Discussed that the motion to approve resolution 2012-15, once was tabled, died for lack of a second. Planner Seitz to bring back the resolution as New Business at the next meeting.

(Clerk Note: The resolution can be brought back to the agenda under New Business, but requires that agencies be notified again of the platting action, per City Attorney Brooks Chandler.)

VIII. NEW BUSINESS

- A. Resolution 2012-20 recommending City Council approve installation of art on Carlson property wall.

MOTION: Izetta Chambers moved, Rachel Muir second, to approve Resolution 2012-20, recommending approval of art installation on Carlson property retaining wall.

Discussion that the art installation being proposed has been well received by the community and visitors.

MOTION TO AMEND: Terry Hoeffler suggests inserting the word “enthusiastically” in the “Therefore be it resolved clause, before the word “recommends”.

Chair Liedberg agreed that that could be okay.
(Clerk note that there was no second.)

Andy Anderson moved the previous question.
(Clerk note that the effect of the motion is to immediately end debate. There was no second.)

VOTE: The motion to approve Resolution 2012-20 recommending approval of an art installation on the Carlson property wall passed with general consent.

- B. Resolution 2012-21 approving Neighborhood Initiative Grants
Planner Seitz described the three proposals before the Planning Commission.

Discussion about the ski trail loop and where to place the sign for the trail.

MOTION: Izetta Chambers moved to adopt Resolution 2012-21 and Terry Hoeffferle seconded the motion.

Izetta Chambers moved the previous question. (*There was no second.*)

VOTE: The motion passed unanimously.

- C. Chair of the Planning Commission – Chair Liedberg is stepping down from the Chair position but will remain on the commission as a member. The commission could take up the position at its next meeting, November 20.
- D. Discussion of whether to bring a resolution forward recognizing Choggiung Ltd. for donating use of the land for the ski trail.

Comments that others involved with the Neighborhood Initiative grants also deserve mention, such as a local artist involved with the mural at ForestView apartments.

Discussion about the most appropriate entity to recognize various entities and individuals. Suggested recognizing the contribution that Choggiung has made to carrying out goals of the Comprehensive Plan. Much discussion about other entities and methods of showing appreciation to various entities in the community.

Clerk's note: No motion was made to bring a Resolution forward.

VII. COMMISSION COMMENTS

Rachel Muir – none.

Andy Anderson: none

Terry Hoeffferle: none

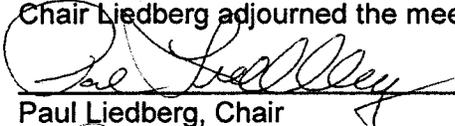
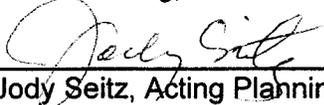
Bill Rodawalt: none

Izetta Chambers – none.

Paul Liedberg – at last City Council there was discussion about communicating more with committees and the Planning Commission and providing direction for accomplishing City objectives. Thanked staff for their work.

VIII. ADJOURNMENT

Chair Liedberg adjourned the meeting at 1:07 p.m.

 Paul Liedberg, Chair	<u>11/30/2012</u> Date
 Jody Seitz, Acting Planning Commission Clerk	<u>11/30/2012</u> Date

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: November 19, 2012
To: Rose Loera, City manager
From: Jean Barrett, Port Director
Subject: November Monthly report

DOCK –

Another busy summer at the dock has wrapped up. As usual Eric, Dean and LaPreal did an outstanding job in getting everyone taken care of in a timely and efficient manner. Final numbers have not been turned in at the time of this report but I will get them on next month's report.

We have continued to try to improve the city dock area this summer. It is a very hard thing to do between all the other duties. We did, however, manage to organize the yard and warehouse and are planning on installing doors and new windows, shore up the sagging floor, and install either rolled vinyl or some sort of industrial tile with grant monies left over from the purchase of the Pollock property.

HARBOR

Fall erosion hit us hard this year. A portion of the harbor directly Northeast of the harbor entrance was the hardest hit. We lost 8 -10 feet deep and about 100-120 feet long. The erosion has jeopardized a light pole and is getting close to a fire hydrant near the road. With the help of the public works crew we were able to deposit a small amount of rock that was left over from the picnic park project, and with some left over funds from another grant we will be able to purchase more rock to shore up that portion of the harbor. I have tried to contact Horizon Contractors and found that they were out of state at this time. It looks like we will be putting this on hold until spring. I will continue to attempt to get in touch with them so we can have a price and amount in place so as to expedite the process in the spring.

After getting all the float system out of the water this fall, I have inspected the arms and floats and decided which need to be worked on for the upcoming season. I have also looked into spray foam for the inside of the floats, something that will not absorb water, therefore, not adding a lot of weight to the float. I have also looked into a spray on the

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*
City of Dillingham

outside, one much like a liner for a pickup bed. This would encapsulate the float and not allow water to penetrate the float.

Water lines in the harbor. Late this fall, the water and sewer department along with the Buildings and Grounds crew got the waterline run to the new NAPA store without much of a hindrance to the NAPA customers.

The water shutoff on the new portion of the bulkhead at the harbor that was run over and damaged this fall was repaired, unfortunately not before the water froze to the bulkhead and the ice machine. We, hopefully, will not have a problem this spring. If we do, we can always run a line from the harbor office to make ice.

2012 AAHPA CONVENTION

During the week of October 22, I attended the Alaska Association of Harbor Masters and Port Administrators annual conference, held in Sitka. The members of this association must be friends of the weather gods as everywhere we go the weather has been outstanding.

Some things I was able to absorb from the conference were:

- EVERYONE is looking to increase their revenue from harbor use fees.
- There is a push from the Association for more harbors to become "Clean Harbors". I am in contact with Rachel Lord from the Cook Inlet keeper to work towards the Dillingham Harbor becoming certified Clean.
- I spoke with a couple of companies that manufacture floats and docks. One built the floats for the Carl Moses harbor in Dutch Harbor, and the other built the floats for the harbor on St Paul Island. I am at this point just initiating dialogue with them and seeing what kind of ideas we can come up with for a new system in the harbor. This is at what I call "the wishful thinking stage".
- I spoke with another contractor, DENSO North America, about a wrap that they put on steel piling to stop rust and protect from weathering. We are starting to see a small amount of buildup on the piling on the "T" dock and I would like to try and see if this product can hold up to the ice. We get buildup around the base of the dock.

HEATING FUEL TANKS

As I am the "lock guy" for the City, I am working on getting locks for all of the heating fuel tanks for the City buildings. At the time of this report I have not received a formal quote back from our supplier. I have estimated the lock portion of the project from earlier purchases at around \$500.00 for the cores and an additional \$400-\$500 for new locks and hardware to install on the tanks themselves. I hope to be installing the locks with the help of the Building and Grounds Department sometime in December or early January.

That about wraps it up from the Port for this month.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: November 27, 2012

To: City Manager Rose Loera

From: Sgt Dan Pasquariello
Interim Chief of Police

Subject: November 2012 (10-24-12 to 10-24-12) – Monthly Report

Patrol:

- ❖ 437 Calls for service
- ❖ 44 Incident reports
- ❖ 13 Persons arrested
- ❖ 6 Title 47/Protective custody
- ❖ 34 Citations issued

A 40 hour Sexual Assault Response Team (SART) training was attended by all but one of the patrol officers. At the end of the month a short training on the new State accident report forms will be attended by all officers. This training will be given by the Alaska State Troopers and will be very beneficial.

New grant-funded traffic radar units have been installed in all patrol cars.

DDPS and the Bristol Bay Area Health Corporation are teaming up to increase the use of seatbelts on the Dillingham road system. The patrol division has been busy with enforcement of seatbelt laws. A total of 11 seatbelt citations were issued during the long Thanksgiving holiday weekend.

A presentation is scheduled in December at the High School to educate students on the use of seatbelts. This presentation will be put on by a police officer and a representative of BBAHC Environmental Health.

A news story was aired on KDLG radio about the DDPS/BBAHC seatbelt effort. The Police Chief was interviewed for this story. It was explained that the ultimate goal of this enforcement and educational effort is to decrease the number and severity of injury accidents on the Dillingham road system.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

City of Dillingham

Page 1 of 3

Corrections:

- ❖ 37 Total Inmates
- ❖ 7 Title 47/Protective custody

A new booking/use of force policy was implemented to help insulate the City from liability. Corrections officers now audio record the booking of prisoners and video footage is requested and kept. This provides accurate documentation to affirm or refute any complaints made by inmates during the booking process.

A Thanksgiving turkey dinner was provided to the inmates by representatives of Seventh Day Adventist church. Church groups provide a dinner to inmates annually on both Thanksgiving and Christmas.

Statistical data was provided to the Planning Department to show that the jail serves not only Dillingham, but the surrounding region. Fully half (50%) of the inmates held at our jail are arrested in the surrounding communities. This information will hopefully help the City to obtain further grant funding to build a new Public Safety facility.

Dispatch:

- ❖ 590 Calls for service
- ❖ 78% Dispatched to Dillingham Police
- ❖ 12% Dispatched to Alaska State Troopers
- ❖ 5% Dispatched to EMS/Dillingham Fire
- ❖ 5% Dispatched to Dillingham Animal Control
- ❖ 128 E-911 calls received

The Dispatch center is now fully staffed.

Statistical data was provided to the Planning Department to show that the Dispatch center serves not only Dillingham, but the surrounding region. A total of 12% of the calls we dispatch are to the Alaska State Troopers/Village Public Safety Officers to service the surrounding communities. This information will hopefully help the City to obtain further grant funding to build a new Public Safety facility.

WAANT:

- ❖ 4 drug investigations
- ❖ 3 alcohol interdictions
- ❖ 4 investigative assists to patrol

The WAANT unit continues to focus its efforts on hard drugs.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

City of Dillingham

Page 2 of 3

While investigating reported drug dealing in a store parking lot the WAANT unit arrested a man for illegal possession of oxycodone after a traffic stop.

While investigating reported drug smuggling from Anchorage-Dillingham (*via Koliganek*) the WAANT unit served a search warrant at the Koliganek residence of a former Dillingham man. WAANT investigators brought the DDPS K9 Lutri to assist in the search of the residence. Several grams of heroin, over \$2000 in cash, and a firearm were seized during the search. The man and his wife were arrested on various felony charges. A news story was aired on KDLG radio about this case.

Animal Control:

- ❖ 34 Calls handled
- ❖ 5 Dogs/cats impounded
- ❖ 3 Shelter dogs/cats adopted out
- ❖ 6 Rabies/Parvo shot given
- ❖ 2 Feral cats euthanized
- ❖ 2 citations issued

The ACO sent a male puppy that was born in our shelter to the Alaska Dog and Puppy Rescue center in Anchorage. The puppy had developed a severe hernia in our shelter which made him unadoptable. The dog would have died without treatment and would have been euthanized. AK Dog and Puppy Rescue had the dog's hernia fixed. An Anchorage TV station did a story on the center, this puppy was on TV, and Dillingham Animal Control was mentioned in the story.

Lumber to roof one of the outside kennels was taken to the High School. Students will pre-fabricate the roof in class, which will then be placed on the kennel at the shelter.

DMV:

- ❖ 35 Registrations/Titles
- ❖ 45 Driver's license/ID's
- ❖ 7 Commercial driver's licenses
- ❖ 8 Road tests

The DMV was closed during the last week of November.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Chris Maines
Bob Himschoot
Keggie Tubbs
Tracy Hightower
Paul Liedberg

MEMORANDUM

Date: December 6, 2012
To: Rose Loera, City Manager
From: Malcolm Brown, Public Works Director
Subject: Monthly Report

Public Works Divisions:

Buildings & Grounds – B&G staff worked on the Shop heating issues with the waste oil heater and the valve for the waste oil tank. The Airport Fire Station boiler is being replaced by a Toyo and the overhead unit heater will remain as a backup. Using the Toyo will be more cost effective. B&G staff frequently backfilled at the Landfill this month and assisted the Water/Wastewater Division with pumps.

Landfill – Improved fire safety procedures are being implemented; staff is now required to call FAA for wind speed info and notify Dispatch when burning. Several courses of action are being staffed to improve fire fighting capacity at the burn cell. There was a fire adjacent to the burn cell on Oct. 31 in an area of approximately 30 x 50 yards. Improving fire safety is a concern of DEC.

The Transfer Station was cleaned up by removing the tires, washers, dryers, bicycles and some of the refrigerators. Extensive backfilling by the Streets Division made the scrap metal area safer for salvaging and improved the cover for the ash cell. This was done to work towards bringing these areas into compliance with DEC. Billy Maines, the IGAP Coordinator, will assist with evacuating refrigerant fluids and training staff to evacuate the fluids. The Landfill Committee met to develop corrective actions for the defects identified in the 2012 annual DEC inspection checklist. The groundwater quality monitoring report was sent to DEC. The Landfill Technician vacancy has been posted.

Another Waste-to-Energy company, Shearwater LLC., requested a workshop to discuss their gasification units and funding options. Shearwater's gasification units operate with as little as 1.5 tons per day. They have an operational gasification unit at the village of Old Crow in Yukon Territory and Bethel has units on order.

Shop – The small sander had a new power unit and new wiring installed. The City vehicles have been switched over to winter tires. Heavy equipment is getting

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

City of Dillingham

Page 1 of 2

chained up and plastic bed liners for the dump trucks are being installed. The liners will prevent damage to the beds from loading big rocks and will also be more efficient for dumping snow, as they will allow all of the snow to slide off.

Streets – The graders and sanders have been busy. One grave was dug. The Streets Division also did extensive backfilling at the Landfill's scrap metal pile and ash cell.

Water/Wastewater - An engineer's report from PND verified that the pumps at the Dock Lift Station are undersized due to the elevation increases of the new Force Main. An air relief valve for the new force main was installed by the contractors at the high point of the new force main at the drilling pad and on 1st Avenue. Redi Electric of Anchorage did diagnostics on the Dock Lift Station control panel and hard wired the lag pump to run concurrently with the lead pump.

The costs for the lift station upgrades (electrical work and an RFP for rebuilding) are authorized to be charged to the legislative appropriation of \$2.28 M for the Wastewater Treatment Plant. This is because lift stations are an integral component of the treatment process; the pumps macerate the solids into digestible sizes and the pumping action provides the initial aeration that assists the aerobic process.

A new sewer service was installed for the State Trooper's building and the adjacent manhole that the service was connected to was insulated. It is a shallow manhole that has been prone to freezing.

Grants – Worked with Izetta Chambers of UAF and the City Planner on the UAF Composting grant. This grant can be used as a match for MMG 28303 for the Landfill and worked on the CDBG grant for the Public Safety Facility.

Safety – The findings from the Department and Labor Safety/Health consultation are attached. There are two separate findings memos because each member of the consultation team reported on defects that were within their specialty. The DOL deadline for corrective actions is Dec. 8. Some of the defects have been corrected but an extension will be requested due to needing more staff time, availability of electricians and additional funding for some of the defects. Weekly Safety training meetings are ongoing. The classes were: Portable Generators, Chemical Exposures and Electrical Cords.

Training – The two operators for the Water/Wastewater Divisions attended a three day training program "Electrical Control Systems for Lift Stations". The training was free. The senior operator attended "Lift Station Operations" as part of the continuing education requirement for his Water/Wastewater certification. An operator and the Public Works Director will attend "Introduction to Small Water Systems" to establish Water Operator Certification. This certification is required per their job descriptions and the certifications provide more points on DEC grant and loan applications. The training expenses are reimbursable.

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of Labor and
Workforce Development**

LABOR STANDARDS AND SAFETY DIVISION
Occupational Safety and Health

3301 Eagle Street, Suite 305
Anchorage, AK 99503-4149
Main: 907.269.4940
Toll free: 800.770.4940
Fax: 907.269.4950/269.3723

October 24, 2012

Mr. Malcolm Brown
Director PW
Dillingham City of
PO Box 889
Dillingham, AK 99576

Visit Number: 505818377

Dear Mr. Brown:

In response to your request, Mike Buck conducted a survey at your facility on 10/09/12. Those hazards that were identified and classified as serious are to be corrected according to the agreed schedule. Included with this report is Attachment B - Employer Report of Action Taken, a form to record the actions you have taken to correct those hazards identified. *Written confirmation of serious hazard correction must be received by the consultant on or before the correction due date as indicated in Appendix A of this report.* If you are unable to correct the hazard(s) by the date specified, you may request an extension. An extension request must be in *writing* and include the following requirements for each item:

- 1) the reason for requesting the extension,
- 2) actions taken to correct the hazard,
- 3) interim steps to safeguard employees against the hazard during the correction period,
- 4) the amount of time needed to correct the item.

Accompanying this report is a **List of Hazards** which includes a description of the serious hazard(s) and the date by which we mutually determined that the hazard(s) would be corrected. This **List of Hazards** must be posted, unedited, in a prominent location where it is readily observable by all employees for three working days or until the hazard(s) have been corrected, whichever is later. If we approve an extension to the correction due dates, a new **List of Hazards** will be sent to you showing the revised date(s).

During the time that you are working on correcting these hazard(s), OSHA may not conduct a scheduled inspection at your work site, provided that: *a) you are within the correction due dates, b) interim protection is in place and c) the List of Hazards is posted.* Should these conditions not be met, an OSHA compliance inspection may be conducted.

CONSULTATION REPORT

for

**Dillingham City of
PO Box 889
Dillingham, AK 99576**

Submitted By:

**Div. of Cons. Alaska Department of Labor LS&S/OSH
3301 Eagle Street, Suite 305
Anchorage, AK 99503-4149**

Letter
City of Dillingham
October 31, 2012
Page 02 of 02

Notice of Obligation

As you know, we are required to notify the Enforcement Section of Alaska Occupational Safety and Health (AKOSH) if serious hazards are not corrected within the agreed-upon time. Extensions may be granted if you encounter difficulties completing correction within these time frames, but we must receive your request for an extension in writing before the correction due date. Although we are not required to notify AKOSH if other-than-serious hazards are not corrected, these hazards could result in injury to your employees. Moreover, your company would be subject to citation for them in the event of an AKOSH enforcement inspection. Please mail or FAX attachment B - Employer Report of Action Taken, completed to show correction methods, on or before the indicated correction due date.

In the event of an AKOSH inspection, it is important to remember that the Enforcement Officer is not legally bound by the consultant's advice or by the consultant's failure to point out a specific hazard. You may, but are not required to, furnish a copy of this report to the Enforcement Officer, who may use it to determine your good faith efforts toward safety and health and reduce any proposed penalties. You are, however, required to furnish any employee exposure data from this report as required by 29 CFR 1910.1020.

The report presents recommendations for correcting identified hazards. Also included is a section concerning management practices to ensure ongoing hazard prevention. We encourage you to inform your employees of the actions you take. This knowledge will help them to do their part in maintaining a safe and healthful workplace and it will let them know of your concern for their protection. Thank you for seeking our assistance. If you need additional information, please contact me at (907) 269-4957.

Sincerely,



Krystyna Markiewicz
Chief of AKOSH
Consultation & Training

TABLE OF CONTENTS

Notice of Obligation
Executive Summary
Introduction
Summary of the Visit
Safety and Health Program Assessment
Safety and Health Hazards Found

Attachments

A - Report of Hazards Found
B - Employer Report of Action Taken
C - Safety and Health Program Management
 Safety and Health Program Management, with Employee Involvement 1
 Management Leadership and Employee Involvement 2
 Worksite Analysis to Identify Hazards and Potential Hazards 3
 Hazard Correction And Control 4
 Safety and Health Training 5
D - Training Provided by Consultant
E - Other Findings and Recommendations

Executive Summary

Introduction

This report provides the results of Full Service Health survey. When referring to this report, please reference the Visit Number 505818468.

Summary of the Visit

The City of Dillingham was placed on the "High Hazard Targeting System" by the State of Alaska Occupational Health and Safety Division of Enforcement. This put the City on notice that they would most likely receive a visit from an enforcement officer within the next year. During an enforcement visit fines and citations are issued for any OSHA Standard violations. Upon notification of being placed on this High Hazard List the City is encouraged to submit a request for a free Alaska OSHA consultation visit to proactively address any deficiencies in their safety and health program and to avert an Enforcement visit as well as the citations and fines that are issued during such a visit. Malcolm Brown, Director of the Public Works Department, requested a visit from Alaska Occupational Safety and Health Consultation for the Public Works Shop, Land Fill, and Wastewater facilities. This gives the Public Works Department an opportunity to address safety issues and to be removed from a random enforcement visit to Public Works facilities for the duration of the consultation and abatement process. Enforcement could visit the facilities of interest during this exemption period in the event of an employee complaint, a serious injury, or an imminent danger situation.

State of Alaska Safety Consultant Mike Buck and Health Consultant, John King conducted a comprehensive Site Safety Survey of the facilities at the Public Works Department in Dillingham Alaska. The scope of the visit included but was not limited to: a site survey to identify potential hazards; hazard abatement procedures; informal training; and other program assistance. Two reports will be issued for each of the three worksites, one report for safety, and another report for health. This report addresses the Safety concerns at the Public Works Shop Facilities on Second Street.

Opening

On October 9th, 2012 the consultants held an opening conference with Malcolm Brown, Public Works Director for the City of Dillingham. The consultants went through a checklist of items, explaining the consultation program and the employer's rights and responsibilities. The employer was informed of the relationship between enforcement and consultation, the employer's obligation to protect employees from serious hazards and the right to expand or reduce the scope of the visit. During the opening conference there was a detailed discussion of the operations and hazards employees may be exposed to at the Public Works sites. John King went through the Occupational Safety and Health Program Management Guidelines with Malcolm to outline the foundation of what a program should have and how it should be administered. Malcolm indicated that he was new to the position and was unable to locate any written safety and health programs that exist for the City of Dillingham. With no programs or policies in place for safety and health the consultants suggested that the Safety Writer Program on the Alaska State web site be used to help develop a program foundation. Mike and John also provided a wide variety of program templates for Malcolm to review for implementation in his department.

Discussion

The City of Dillingham is a member of the Alaska Municipal League Joint Insurance Association, which is a member-driven pool dedicated to providing cost-effective risk financing and loss control services designed to meet the needs of local governments and school districts. AMLJIA members can expect various services for small villages, large municipalities or public school districts. The goal is to help members make decisions on personnel resources, physical assets, and operations that will minimize adverse effects of losses by identifying and mitigating hazards before a loss occurs (Loss Prevention), while reducing the effects of those losses that do occur (Loss Reduction). There is an awareness of OSHA Standards built into AMLJIA programs.

Apparently the chain of command within the city of Dillingham is not very responsive to the needs of department managers. Factors contributing to this are severe budgetary restraints due to a small tax base, resulting in a continual crisis-management environment; and continual turnover (at least within Public Works) due to relatively low salaries and chaotic conditions in the structure of management, which affects morale.

There is a Local 71 Contract in process of getting established. The present City Manager is new (started in July 2012). There are written requirements, for instance, for training associated with various job descriptions, but all Public Works employees are behind in training. Malcolm created a spreadsheet of training deficits. There are monthly safety meetings (with training). In the garage/shop no respirators are used. There is an MSDS binder. With respect to BBP, there are no designated first responders. Nushagak Electric & Telephone Cooperative, Inc. is a member owned and operated Cooperative that provides electric, telephone, cable TV and internet services; the municipality is charged 43 cents per kilowatt hour. This is a very expensive place to operate.

Walk-around

After the opening conference, a walk around of the Shop facilities and storage buildings was conducted. The main facility is a 4,000 sq. ft. garage/shop with various types of repair equipment for a wide range of jobs. There were: one large overhead crane; vehicle hoist; cutting, welding, and grinding equipment; parts cleaning area; storage room; offices; and a break room. During the walk around safety hazards were observed and methods to abate them were suggested. Health hazards observed followed logically from lack of a rigorous job hazard assessment (cited by the safety consultant); there was a need for a written hazard communication program and associated training. Recommendations were made about ventilation in the garage/shop.

The health consultant observed: the overhead ventilation for the welding table (only mild steel is welded or cut); the eyewash/shower station; the parts cleaning station; general interiors of garage/shop and quonset. Recommended items were: that exhaust extraction hoses be installed in the garage for work where running engines is required; that a better ventilation design be used for welding fume extraction, since an overhead system pulls fume through the breathing zone of the welder. The garage interior has a total volume of about 100000 cubic feet.

Safety and Health Program Assessment

The City of Dillingham is seriously lacking a safety and health program. It is essential that proactive steps such as those taken by Malcolm Brown be continued so that employees are protected from injury and illness due to program deficiencies. There are deficiencies in a wide variety of programs such as: confined space entry; lockout/tagout; respiratory protection; fall protection; and others that are potentially life threatening when there are no formal procedures in place.

Many of these programs also require formal training for employees. No record of this training is in place. Lock out tag out, confined space, fall protection and forklift training are mandatory training that is required by OSHA for employees engaged in these tasks.

A Hazard Assessment certification is required for all locations and for some of the specific tasks at all sites. None of these documents exist for the City of Dillingham.

The hazards in the buildings were observed and corrective measures were put in motion to abate them. Most of the items for the PW Shop are easy fixes that will require some expense and time, but the larger issue is the training and program implementation that is required to get employees up to date and educated, so that major injuries and illness are prevented.

The employer has forklift operations, but is lacking formal forklift training and certification for employees. It is required that a forklift training program be provided with the three elements of: #1) formal classroom training; #2) written testing; and #3) hands on training with evaluation. Each employee that operates a forklift must have a certification card and record of evaluation every three years.

There is no written lock out tag out program for energy isolation when equipment is being worked on in the shop. This has the potential to result in serious injury or death if an employee is exposed to an electrical shock, a crush injury or a wide variety of other injuries due to improper or no lock out of stored energy.

OSHA Form 300's were provided for 2009, 2010, and 2011. To make calculations specific for Public Works the total hours worked for the PW employees were differentially extracted from records for the whole city, provided by City Hall. The 2009 TRC/DART rates for Public Works are 30.69/10.23. 2010 TRC/DART rates are 38.79/9.7. 2011 TRC/DART rates are 37.59/28.2. The average values for the three years: TRC: 37.59; DART: 16.04. The national average values (NAICS 811) for 2010 are: TRC of 3.3 and DART of 1.7. A major factor in the calculations is the relatively small number of hours put in by the workforce of only 11 employees. The average of hours worked per year during 2009-11 is 20484 hours. A review of injuries would be in order to determine if additional steps can be taken to reduce the rates and prevent employee injuries.

The City has no safety program that is in place and provides little safety training for employees. The Employer is taking actions that demonstrate that the Employer is concerned about safety and is taking a proactive approach in reducing injury and illness. The Public Works Department shows evidence of a proactive effort in the form of regular safety meetings and Mr. Brown's request for Alaska Occupational Safety and Health Consultation. This shows good faith in striving to improve and provide a safe work environment for its employees. The City of Dillingham is encouraged to continue in these efforts.

It is recommended that the City of Dillingham do a hazard assessment and safety survey of each facility on a bi-annual basis. This survey should include: PPE assessment; first aid kit review; fire system inspection; tools and equipment; lockout tag out; walking working surfaces; electrical and other general hazards. These surveys should be documented. These efforts will provide a basis for evaluating and improving the safety environment.

It is recommended that all electrical equipment in the work environment be surveyed to insure that all cords are of the three wire grounded plug type and are UL listed as grounded or double insulated. Extension cords should be inspected on a regular basis for damaged insulation and exposed wires at cord ends.

The implementation of a safety committee that consists of Top Management down to field staff is also recommended to keep safety issues at the forefront of operations. Companies that have active safety committees are at the low end of accident and injury statistics on a consistent basis.



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of Labor and
Workforce Development**

LABOR STANDARDS AND SAFETY DIVISION
Occupational Safety and Health

3301 Eagle Street, Suite 305
Anchorage, AK 99503-4149
Main: 907.269.4940
Toll free: 800.770.4940
Fax: 907.269.4950/269.3723

October 31, 2012

Mr. Malcolm Brown
Director PW
Dillingham City of
PO Box 889
Dillingham, AK 99576

Visit Number: 505818468

Dear Mr. Brown:

In response to your request, John E. King conducted a survey at your facility on 10/09/12. Those hazards that were identified and classified as serious are to be corrected according to the agreed schedule. Included with this report is Attachment B - Employer Report of Action Taken, a form to record the actions you have taken to correct those hazards identified. *Written confirmation of serious hazard correction must be received by the consultant on or before the correction due date as indicated in Appendix A of this report.* If you are unable to correct the hazard(s) by the date specified, you may request an extension. An extension request must be in *writing* and include the following requirements for each item:

- 1) the reason for requesting the extension,
- 2) actions taken to correct the hazard,
- 3) interim steps to safeguard employees against the hazard during the correction period,
- 4) the amount of time needed to correct the item.

Accompanying this report is a **List of Hazards** which includes a description of the serious hazard(s) and the date by which we mutually determined that the hazard(s) would be corrected. This **List of Hazards** must be posted, unedited, in a prominent location where it is readily observable by all employees for three working days or until the hazard(s) have been corrected, whichever is later. If we approve an extension to the correction due dates, a new **List of Hazards** will be sent to you showing the revised date(s).

During the time that you are working on correcting these hazard(s), OSHA may not conduct a scheduled inspection at your work site, provided that: *a) you are within the correction due dates, b) interim protection is in place and c) the List of Hazards is posted.* Should these conditions not be met, an OSHA compliance inspection may be conducted.

Letter
Dillingham City of
October 24, 2012
Page 02 of 02

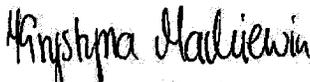
Notice of Obligation

As you know, we are required to notify the Enforcement Section of Alaska Occupational Safety and Health (AKOSH) if serious hazards are not corrected within the agreed-upon time. Extensions may be granted if you encounter difficulties completing correction within these time frames, but we must receive your request for an extension in writing before the correction due date. Although we are not required to notify AKOSH if other-than-serious hazards are not corrected, these hazards could result in injury to your employees. Moreover, your company would be subject to citation for them in the event of an AKOSH enforcement inspection. Please mail or FAX attachment B - Employer Report of Action Taken, completed to show correction methods, on or before the indicated correction due date.

In the event of an AKOSH inspection, it is important to remember that the Enforcement Officer is not legally bound by the consultant's advice or by the consultant's failure to point out a specific hazard. You may, but are not required to, furnish a copy of this report to the Enforcement Officer, who may use it to determine your good faith efforts toward safety and health and reduce any proposed penalties. You are, however, required to furnish any employee exposure data from this report as required by 29 CFR 1910.1020.

The report presents recommendations for correcting identified hazards. Also included is a section concerning management practices to ensure ongoing hazard prevention. We encourage you to inform your employees of the actions you take. This knowledge will help them to do their part in maintaining a safe and healthful workplace and it will let them know of your concern for their protection. Thank you for seeking our assistance. If you need additional information, please contact me at (907) 269-4957.

Sincerely,



Krystyna Markiewicz
Chief of AKOSH
Consultation & Training

Enclosures: Safety & Health Program Assessment (Form 33)

CONSULTATION REPORT

for

**Dillingham City of
PO Box 889
Dillingham, AK 99576**

Submitted By:

**Div. of Cons. Alaska Department of Labor LS&S/OSH
3301 Eagle Street, Suite 305
Anchorage, AK 99503-4149**

TABLE OF CONTENTS

Notice of Obligation

Executive Summary

Introduction

Summary of the Visit

Safety and Health Program Assessment

Safety and Health Hazards Found

Attachments

A - Report of Hazards Found

B - Employer Report of Action Taken

C - Safety and Health Program Management

Safety and Health Program Management, with Employee Involvement 1

Management Leadership and Employee Involvement 2

Worksite Analysis to Identify Hazards and Potential Hazards 3

Hazard Correction And Control 4

Safety and Health Training 5

D - Training Provided by Consultant

E - Other Findings and Recommendations

F - List of Hazards

Executive Summary

Introduction

This report provides the results of Full Service Safety survey. When referring to this report, please reference the Visit Number 505818377.

Summary of the Visit

The City of Dillingham was placed on the "High Hazard Targeting System" by the State of Alaska Occupational Health and Safety Division of Enforcement. This put the City on notice that they would most likely receive a visit from an enforcement officer within the next year. During an enforcement visit fines and citations are issued for any OSHA Standard violations. Upon notification of being placed on this High Hazard List the City is encouraged to submit a request for a free Alaska OSHA consultation visit to proactively address any deficiencies in their safety and health program and to avert an Enforcement visit as well as the citations and fines that are issued during such a visit. Malcolm Brown, Director of the Public Works Department, requested a visit from Alaska Occupational Safety and Health Consultation for the Public Works Shop, Land Fill, and Wastewater facilities. This gives the Public Works Department an opportunity to address safety issues and to be removed from a random enforcement visit to Public Works facilities for the duration of the consultation and abatement process. Enforcement could visit the facilities of interest during this exemption period in the event of an employee complaint, a serious injury, or an imminent danger situation.

Safety Consultant, Mike Buck and Health Consultant, John King conducted a comprehensive Site Safety Survey of the facilities at the Public Works Department in Dillingham Alaska. The scope of the visit included but was not limited to: a site survey to identify potential hazards; hazard abatement procedures; informal training and other program assistance. Two reports will be issued for each of the three work sites, one report for safety, and another report for health. This report addresses the Safety concerns at the Public Works Shop Facilities on Second Street.

On October 9th, 2012 the consultants held an opening conference with Malcolm Brown, Public Works Director for the City of Dillingham. The consultants went through a checklist of items, explaining the consultation program and the employer's rights and responsibilities. The employer was informed of the relationship between enforcement and consultation, the employer's obligation to protect employees from serious hazards and the right to expand or reduce the scope of the visit. During the opening conference there was a detailed discussion of the operations and hazards employees may be exposed to at the Public Works sites. John King went through the Occupational Safety and Health Program Management Guidelines with Malcolm to outline the foundation of what a program should have and how it should be administered. Malcolm indicated that he was new to the position and was unable to locate any written safety and health programs that exist for the City of Dillingham. With no programs or policies in place for safety and health the consultants suggested that the Safety Writer Program on the Alaska State web site be used to help develop a program foundation. Mike and John also provided a wide variety of program templates for Malcolm to review for implementation in his department.

After the opening conference, a walk around of the Shop facilities and storage buildings was conducted. The facility is a 4,000 sq. ft. shop with various types of repair equipment for a wide range of jobs. There was one large overhead crane, vehicle hoist, cutting, welding, and grinding equipment. A parts cleaning area, storage room, offices, and a break room were also part of the main building. During the walk around hazards were observed and methods to abate them were suggested. Emergency lighting was not working, an electrical panel was blocked, no PPE was available for battery handling, grinders were unguarded, electrical cords were defective and load ratings on loft storage areas were not marked.

A Quonset building is used for storage of parts and equipment and some machinery is also located there for woodworking jobs. There were several machines that had guards removed. A vertical band saw, table saw, radial arm saw and a grinder had guard deficiencies that require them to be taken out of service until repaired. Serious injury from these machines is very probable if they are not used properly.

The consultants discovered that there were serious deficiencies in employee safety training. There were electrical violations of missing covers, temporary wiring being used in permanent locations, and abandoned electrical equipment that was not identified or locked out with a proper lock out tag out program.

During the walk around all of these hazards and the others listed in the report were pointed out by the consultants, and methods to correct them were discussed. All hazards were documented and photographed. Steps were taken to abate some of the hazards during the visit.

A closing conference was held at the conclusion of the visit to review the hazards and to determine the abatement timeline as well as the steps for an extension period if needed.

Safety and Health Program Assessment

The City of Dillingham is seriously lacking a safety and health program. It is essential that proactive steps such as those taken by Malcolm Brown be continued so that employees are protected from injury and illness due to program deficiencies. There are deficiencies in a wide variety of programs such as: confined space entry; lock out tag out; respiratory protection; fall protection; and others that are potentially life threatening when there are no formal procedures in place.

Many of these programs also require formal training for employees. No record of this training is in place. Lock out tag out, confined space, fall protection and forklift training are mandatory training that is required by OSHA for employees engaged in these tasks.

A Hazard Assessment certification is required for all locations and for some of the specific tasks at all sites. None of these documents exist for the City of Dillingham.

The hazards in the buildings were observed and corrective measures were put in motion to abate them. Most of the items for the PW Shop are easy fixes that will require some expense and time, but the larger issue is the training and program implementation that is required to get employees up to date and educated, so that major injuries and illness are prevented.

The employer has forklift operations, but is lacking formal forklift training and certification for employees. It is required that a forklift training program be provided with the three elements of: #1) formal classroom training; #2) written testing; and #3) hands on training with evaluation. Each employee that operates a forklift must have a certification card and record of evaluation every three years.

There is no written lock out tag out program for energy isolation when equipment is being worked on in the shop. This has the potential to result in serious injury or death if an employee is exposed to an electrical shock, a crush injury or a wide variety of other injuries due to improper or no lock out of stored energy.

OSHA Form 300's were provided for 2009, 2010, and 2011. To make calculations specific for Public Works the total hours worked for the PW employees were differentially extracted from records for the whole city, provided by City Hall. The 2009 TRC/DART rates for Public Works are 30.69/10.23. 2010 TRC/DART rates are 38.79/9.7. 2011 TRC/DART rates are 37.59/28.2. The average values for the three years: TRC: 37.59; DART: 16.04. The national average values (NAICS 811) for 2010 are: TRC of 3.3 and DART of 1.7. A major factor in the calculations is the relatively small number of hours put in by the workforce of only 11 employees. The average of hours worked per year during 2009-11 is 20484 hours. A review of injuries would be in order to determine if additional steps can be taken to reduce the rates and prevent employee injuries.

The City has no safety program that is in place and provides little safety training for employees. The employer is taking actions that demonstrate that the employer is concerned about safety and is taking a proactive approach in reducing injury and illness. The Public Works Department shows evidence of improving safety in the form of regular safety meetings and Mr. Brown's request for Alaska Occupational Safety and Health Consultation. This is the first consultation visit and additional follow-up visits will be needed to provide further assistance with program reviews as they are developed and training requirements as they are introduced. This process shows good faith in striving to improve and provide a safe work environment for employees. The City of Dillingham is encouraged to continue in these efforts.

Safety and Health Hazards Found

The hazards found during the survey of your workplace is attachment A - Report of Hazards Found. Each hazard is categorized and described and recommendations are given for its correction. Hazards are in order by item number, not necessarily in order of importance.

Hazards could be in any of the following categories:

IMMINENT DANGERS are hazards that can reasonably be expected to cause death or serious physical harm immediately or before this written report is received. Any such hazards would have been corrected immediately, and no correction dates or space for correction method would appear in A - Report of Hazards Found.

SERIOUS HAZARDS can cause an accident or health hazard exposure resulting in death or serious physical harm. Each such hazard has been assigned a mutually agreed-upon date by which correction is to be completed.

OTHER-THAN-SERIOUS HAZARDS lack the potential for causing serious physical harm, but could have a direct impact on employee safety and health. We encourage you to correct these hazards and notify us of the action taken.

REGULATORY HAZARDS reflect violations of OSHA posting requirements, recordkeeping requirements, and reporting requirements as found in 29 CFR 1903 and 1904. No correction dates have been set, but we request notification of their correction.

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham City Council
Doug Holt
Paul Liedberg
Keggie Tubbs
Bob Himschoot
Tracy Hightower
Tim Sands

MEMORANDUM

Date: November 26, 2012
To: Rose Loera, City Manager
From: Ida Noonkesser, Director
Subject: Senior Center Monthly Report

This month's paperwork for the state included the usual recording of monthly meals, home delivered meals, assisted rides, and unassisted rides. This month, I also help six elders with SSI Paper work, Food Stamp, and, two elders with PFD questionnaires,

We only had five renters at the Senior Center this past month. The pinochle players' group will continue to rent the dining room every Friday and the quilters have rented the building every third week of the month on Saturdays. The quilters had an all-night activity this past month that went well.

We had our monthly Senior Center Advisory Board meeting October 3, 2012.

October 24th the Boy Scouts came, and help put the crushed aluminum cans in the conex for storage until spring when it can go out on the barge to the recycling center.

Mary Alice, Clark who works for Bristol Bay Area Healthy Corporation, came and hosted an activity to put reflector taps on the elders' coats. There was a good turnout.

Jaimie Park, an estate planner, who works for BBNA and Alaska Legal Services came, and worked with elders who need help getting their legal paper work, like wills, deeds and other legal paperwork done.

For the month of October, the Senior Center served 722 congregate meals to 61 individuals, 156 home delivered meals to 7 individuals, gave 457 assisted rides to 31 individuals, and 333 to unassisted rides to 34 individuals.

I. CALL TO ORDER

The Finance and Budget Committee met on Wednesday, October 31, 2012 at the City Council Chambers, Dillingham, AK. Bob Himschoot, Chair, called the meeting to order at 5:31 p.m.

II. ROLL CALL

Committee Members present:

Bob Himschoot, Council Member, Chair
Tracy Hightower, Council Member
Alice Ruby, Mayor
Keggie Tubbs, Council Member
Rose Loera, City Manager
Carol Shade, Finance Director

III. APPROVAL OF MINUTES

A. Minutes of September 24, 2012

MOTION: Alice Ruby moved and Rose Loera seconded the motion to accept the minutes of September 24, 2012.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF AGENDA

MOTION: Alice Ruby moved and Rose Loera seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed without objection.

V. STAFF REPORTS

City Manager Loera presented several graphs representing the City's revenues and expenses over the last five years. She noted she was working with staff to look at ways to economize and cut back on expenses, especially with a projected \$640K loss in FY 2013.

Finance Director Shade reviewed the September 30, 2012 financial statements; the first quarter of FY 2013 or 25% of the total FY 2013 budget. Departments were within 25%.

Manager Loera noted staff was working on a collection policy for each type of tax and fee, and was refining the deny services process and put it into effect to improve on collections.

Discussion:

- asked for information on the pump at the lift station at the dock that might now be undersized with the installation of the new sewer line, concerned with the higher O&M costs that would come with a larger pump;
- asked for the major items that were contributing to a projected budget loss; and

- asked to review the draft audit when it became available, staff noted the hold up was mainly attributed to completing the grants; and
- recommended a monthly review of the financial statements as a standing item under staff reports on the finance committee's agenda, and share items covered with the Council.

Finance Director Shade reported that several citizens residing outside city limits were asking for a refund from Nushagak Cooperative for sales tax erroneously assessed on electric service. Nushagak's policy was to go back six months. Committee recommended contacting the City's attorney to confirm the tax did not apply.

VI. UNFINISHED BUSINESS

A. Business Tax Incentives (*postponed to October*)

After some discussion, Chair Himschoot stated a recommendation would be made to the Council to consider when setting their priorities. It was recommended that it be removed from the Finance and Budget Committee's task list for the time being.

B. Fiscal Policy Development

1. Overall Rate Review

- a. Water and Wastewater
- b. Landfill

Staff noted the firm doing the water and waste water study was waiting for the results of the audited financial statements.

Manager Loera noted the City had received a poor report on the landfill and was working to make necessary improvements. Staff was continuing to review landfill issues, but there was no new news on a rate review since the survey that was presented earlier.

Discussion:

- commented was under the opinion the landfill would last for 40-80 years, but it appeared the city was already running out of room;
- noted the city was seeking out contractors for excess soil to cover landfill cells and had already garnered some 300 cubic yards of soil;
- recommended using and updating the 2006 Solid Waste Management Plan; and
- suggested working with the tribe's EPA IGAP program as a good resource to help out with the landfill issues.

C. Animal Shelter Facility

Manager Loera noted she had analyzed that it cost around \$38.61 a day to house an animal in the animal shelter, including laundering, clean up, etc. The existing lease was due to expire in June 2013. She was looking for alternative locations in the meantime, but was running up against one

reason or another not to have it there. A recommendation was made to review the list of locations that were offered by individuals after the RFP for new construction or lease had been advertised and closed.

VII. NEW BUSINESS

A. Ambulance Fees

The city's billing contractor, System Design, informed personnel that the City had one of the lowest ambulance rates in the State at \$300. Medicare would allow up to \$454 for emergency basic life support transport, and \$538 for advanced life support transport.

Discussion:

- questioned if the City's existing fees were adequate enough to set aside money for equipment replacement, which was the intent;
- asked if the existing fees was intended for equipment replacement only, and could it be used for other expenses in the department, possibly helping to pay for volunteers' gas; and
- commented the current fee structure came from the volunteer fire department, and it would be prudent to get feedback from their executive committee.

VIII. PUBLIC/COMMITTEE COMMENT(S)

Keggie Tubbs: no comment

Tracy Hightower: no comment

Carol Shade:

- appreciated the feedback from the committee on the ambulance fees.

Alice Ruby:

- noted she had been approached by a Council member who had relayed with the finances as they were, would it be in order to create a forum where all the council members were involved in the discussion.

Discussion:

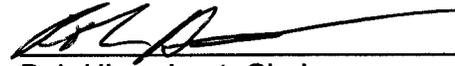
- commented the public and the general public were always welcomed to their meetings.

Rose Loera:

- noted the city had submitted its documentation for the fire ISO that showed the city had followed the plan it had filed, with the exception that not all the fire hydrants had been done or training conducted.

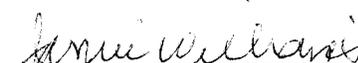
IX. ADJOURNMENT

The meeting adjourned at 7:22 p.m.



Bob Himschoot, Chair

ATTEST:



Janice Williams, City Clerk

Approved: 11/29/2012

I. CALL TO ORDER

The Code Review Committee met on Monday, November 19, 2012, in the Council Chambers, Dillingham, AK. Chair Paul Liedberg called the meeting to order at 5:31 p.m.

II. ROLL CALL

Committee Members present:

Paul Liedberg, Council Member, Chair
Mayor Alice Ruby
Doug Holt, Council Member
Carol Shade, Finance Director
Janice Williams, City Clerk

City Manager Rose Loera: absent and excused

Guest(s):

Dan Pasquariello, Interim Chief of Police

III. APPROVAL OF MINUTES

A. Minutes of October 17, 2012

MOTION: Alice Ruby moved and Chris Maines seconded the motion to approve the minutes of October 17, 2012.

GENERAL CONSENT: The motion passed without objection.

IV. APPROVAL OF AGENDA

MOTION: Chris Maines moved and Doug Holt seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed without objection.

V. UNFINISHED BUSINESS

A. Title IV. Revenue and Finance

1. Manager Authority to Settle Unpaid Accounts

a. Review Penalty and Interest on Sales Tax - Ordinance No. 2012-18 (SUB 1)

City Clerk Williams reported that the City's Attorney had reviewed and approved the committee's recommendation to move toward standardizing its fees and change the originally proposed penalty and interest charges to be the same as real and personal

property; a 10% penalty on late sales tax filings at 6% interest. Ordinance No. 2012-18 will be brought back as a substitute ordinance, Ordinance No. 2012-18 (SUB 1).

MOTION: Alice Ruby moved and Janice Williams seconded the motion to recommend the substitute ordinance.

GENERAL CONSENT: The motion passed without objection.

2. Review Board of Equalization Procedures and Conduct of Hearings
(Proposed Ordinance No. 2012-19)

a. Late Filed Appeals – Establish a Deadline/Fee

City Clerk Williams reported the ordinance was created to remove redundant language and put the sections in sequential order. The City Attorney was asked to revisit section 4.15.130, because staff was unsure if the language was necessary, which stated “in addition to the appeals procedures, whenever it appears to the board that there are overcharges, errors or invalidities in the assessment roll, or in any of the proceedings leading up to the preparation of the roll, and there is no appeal before the board by which the same may be dealt with, or where the name of any person is ordered by the board to be entered on the assessment roll, the board shall cause notice of assessment to be mailed to the person giving them at least 30 days to appeal to the board”.

He commented the City already had an appeal process in place and these matters could be dealt with in that forum.

- asked to clarify if a majority of board members voting at the BOE included the mayor as chair.

City Clerk Williams explained the current process for filing a late filed appeal. After reviewing other codes, she recommended Ketchikan Borough’s standard practice. The Borough holds an organizational meeting about a month after the 30-day closing date for filing property appeals. At that meeting they select a chair and vote on whether or not to accept the late filed appeals based on State law criteria. Following their review of the late filed appeals, a motion will be made to not accept any more late filed appeals. Attorney Chandler was fine with this and would be working on an ordinance change.

B. Write-in Ballots, Legislative Changes - Ordinance No. 2012-17 (SUB 2)

City Clerk Williams noted the new changes constituting SUB 2 referenced a question from Council “did elective city office mean school board and city council”. SUB 2 also included added language resulting from a previous election that reads a candidate can sit on a council seat and a school board seat simultaneously.

Discussion:

- asked staff to obtain attorney opinion on whether or not there was a conflict of interest with someone sitting on council and school board.

MOTION: Doug Holt moved and Alice Ruby seconded the motion to recommend Ordinance No. 2012-17 (SUB 2).

GENERAL CONSENT: The motion passed without objection.

C. Title XI. Vehicles & Traffic and Snowmobiles

Chair Liedberg noted he would be looking for an understanding of the committee's goals and issues.

City Clerk Williams reported this item had been on the Code's list for some time now, and could be better addressed by visiting the summary of ATV issues that was provided by former Manager Don Moore. Dan Pasquariello was asked by Manager Loera to review and comment on the potential issues.

Interim Chief of Police Dan Pasquariello:

- Alaska Driver's License requirements
 - underage children driving on City streets
- State law does not allow driving ATVs on State roads, however, ATVs do drive along the edge of the state roads;
- City's code allows driving on extreme right hand edge of roadway on City streets; staff to research if the City is in violation of state law;
- snow machine ordinance can get downtown, just can't drive on Main Street; can drive on Alaska Street, which is more intended for commerce;
- code still keeps ATVs out of the downtown area; complaints are usually related to one or two people, and once they are cited the problem abates temporarily;
- noted code needs to be corrected to change traffic citations are filed with the Dillingham Court, and not with the City Clerk; and
- 30 days impoundment seems harsh; City has more liability the longer it holds on to the vehicle.

Discussion:

- noted the intent was to address ATVs, but also to provide for access points or a trail; and
- concerned with children under 18 driving ATVs, driving without helmets, and there was nothing in code.

(The meeting recessed for a few minutes.)

City Clerk Williams noted she would have to review the ordinance that was adopted, Ordinance No. 2005-05, to see if some sections had been erroneously repealed as noted in Don Moore's report.

Chair Liedberg asked the committee to get themselves more familiar with the ATV code. The committee could then decide whether to pursue further. Dan Pasquariello was asked to be available for the next meeting. Dan asked if the intent was to get the children off the

streets unless under parental supervision, and noted impounding the vehicle was a good deterrent. Staff to bring back what the code was before the ordinance was adopted.

D. Regulate Commercial Licenses

Interim Chief Pasquariello noted in the prior week a cab driver had been arrested for drinking while intoxicated, and he was carrying passengers. He reported from his memo, noting he had identified the common issues in the four taxicab codes he had evaluated:

- owner permit requirements – background checks;
- vehicle requirements - taxi sign clearly displayed;
- chauffeur requirements – license and background check; and
- enforcement authority.

In addition, he noted the following:

- taxicabs served an important function in Dillingham;
- controls shouldn't be so stringent that it would eliminate some services, because of the additional costs that would be incurred, noting in winter there are sometimes no cabs when the bars close, and the police officers can become the cabs;
- commercial insurance can be fairly expensive;
- noted the Bristol Bay Borough ordinance might be more in line with the City of Dillingham;
- acknowledged the City's DMV service could process the chauffeur licenses; and
- police department could conduct the background checks.

Mayor Ruby noted the City had received a petition from a taxicab firm looking for a more level playing field and other issues.

Chair Liedberg noted the committee's concerns included the impact and cost on the City to implement a taxicab ordinance. He suggested bringing a copy of the Bristol Bay Borough ordinance to the next meeting and see where the discussion led. Interim Chief Pasquariello was asked to bring back an evaluation of the financial impact on the public safety dept., including the cost of a permit to cover the administrative cost.

VI. NEW BUSINESS

There was no new business.

VII. PUBLIC COMMENT/COMMITTEE COMMENTS

Alice Ruby:

- noted her appreciation for the hard work done by staff and appreciated Dan attending to answer the committee's questions, and thanked Carol for filling in for Rose; and
- wished everyone a Happy Thanksgiving.

Chris Maines:

- noted he appreciated the way the changes to Ordinance No. 2012-17 (SUB 2) were written up and covered the key topics addressed at the Council meeting.

Paul Liedberg:

- reported the planning commission was reviewing code relating to land use permits, since planning was saddled with issuing land use permits and some of it might not be necessary; and
- wished everyone a Happy Thanksgiving and thanked staff for all their hard work.

VIII. ADJOURNMENT

The meeting adjourned at 7:18 p.m.

Paul Liedberg, Chair

ATTEST:

Janice Williams, City Clerk

Approved: _____

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-17 (SUB 1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 3.60.050, BALLOTS – MARKING, VALIDITY- REMOVAL PROHIBITED, AND ADDING CHAPTER 3.60.055, WRITE-IN CANDIDATES

WHEREAS, the City of Dillingham (City) is recommending changes to Chapter 3.60, Procedures for Conducting Elections to be in line with State law and to add a new section 3.60.055, Write-in Candidates, to require a letter of intent be on file in order for votes for a write-in candidate for elective office to be counted;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Chapter 3.60.050, Ballots--Marking, validity--Removal prohibited. Chapter 3.60.050 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and deleted language displayed as ~~strikethrough~~.

3.60.050 Ballots – Marking, validity – Removal prohibited.

A. The ballots shall be counted by the vote tabulation system.

B. At no time during the tallying of votes may anyone but the election officials handle the ballots. The ballots shall not be marked in any way by anyone during the tallying.

C. The following rules apply to hand-counted ballots:

A. 1. A voter may mark his or her ballot a ballot only by marking in the oval space the use of cross marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are substantially inside the oval opposite the name of the candidate or proposition the voter desires to designate.

B. 2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.

C. 3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.

D. 4. If a voter marks more names than there are persons to be elected to the office, the Accu-Vote system will return the ballot to the voter for the voter to determine their wish to vote correctly votes for that office will not be counted.

~~E. The mark specified in Subsection A of this section, shall be counted only if it is substantially inside the oval provided, or touching the oval so as to indicate clearly that the voter intended the particular oval marked.~~

~~F. Improper marks on the ballot will be returned to the voter by the Accu-Vote system and a new ballot shall be issued.~~

~~G. An erasure or correction invalidates only that section of the ballot in which it appears on the ballot.~~

5. H. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot, unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.

~~6. J. In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided, or use a sticker as allowed under subsection i of this section and, in addition, fill in mark the oval opposite the candidate's name, in accordance with subsection a of this section~~

~~7. I. Affixing stickers on a ballot in an election to vote for a write-in candidate is prohibited. [Stickers bearing a candidate's name may be affixed to the ballot in lieu of writing in a candidate's name if write-in votes or ballots are otherwise permitted. Stickers shall not be issued by members off the election board while serving at the polls. Stickers shall not be offered to voters within two hundred feet of the polling place.]~~

8. Write-in votes shall only be tabulated by person if the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot. No votes for a write-in candidate may be counted unless that candidate has filed a letter of intent with the city clerk in accordance with Section 3.60.055 Write-in Candidates.

~~K. D. No voter may leave the polling place with the official ballot that he/she received to mark.~~

Section 3. Add a new Chapter 3.60.055, Write-in Candidates. Chapter 3.60.055 of the Dillingham Municipal Code is hereby added to read as follows:

3.60.055 Write-in Candidates.

A. Votes for a write-in candidate for elective city office will not be counted unless the candidate has filed a letter of intent. The letter of intent shall be executed under oath before and on a form provided by the city clerk. The letter of intent shall state in substance:

1. The full name of the candidate;
2. The full residence and mailing addresses of the candidate;
3. A contact phone number;
4. The office and seat to which the candidate seeks election;
5. The name of the candidate as the candidate wishes it to be written in on the ballot

by the voter;

6. The date of the election at which the candidate seeks election;
7. A certification by the candidate that the candidate:
 - a. is a qualified voter;
 - b. is a resident of the city;

- c. qualifies, or shall qualify as of the date of election, for the office to which the candidate seeks election;
- d. shall serve if elected; and
- e. is not a candidate for any other office to be voted on at the election.

8. A certification by the candidate that the information in the letter of intent is true and accurate.

9. The date and signature of the candidate seeking office.

B. A letter of intent under subsection A of this section must be filed with the city clerk not earlier than the first business day following the last day of the filing period for declarations of candidacy for the election under Section 3.40.020, and not later than one p.m. on the day before the election.

Section 4. Effective Date. This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-18

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 4.20 OF THE DILLINGHAM MUNICIPAL CODE TO LIMIT THE PENALTY ASSESSED FOR FAILURE TO FILE SALES TAX RETURNS OR REMIT SALES TAX TO FIFTEEN PERCENT, ELIMINATE INTEREST ACCRUAL ON PENALTY AMOUNTS AND PROVIDE AUTHORITY FOR REPAYMENT PLANS FOR UNPAID TAX

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Section 4.20.210(B). Section 4.20.210(B) if the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

- B. Failure to File a Return. A seller who fails to file a return as required by this chapter or who fails to remit taxes collected, or which should have been collected, is subject to a penalty. The penalty is five fifteen percent of the taxes collected, or which should have been collected, ~~per month, until paid~~. The filing of an incomplete return is the equivalent of filing no return.

Section 2. Amendment of Section 4.20.220. Section 4.20.220 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

4.20.220 Interest on late payments.

A seller who fails to remit payments in a timely manner shall be liable for interest charges of ten and one-half percent per annum on the amount of delinquent taxes accruing from the due date until paid in full. Interest shall not accrue on any penalty imposed under Section 4.20.210(B).

Section 3. Amendment of Chapter 4.20. Chapter 4.20 of the Dillingham Municipal Code is hereby amended by adding a new section 4.20.265 to read as follows:

4.20.265 Repayment Plan

A. A seller who is delinquent may cure their delinquency by agreeing to a repayment plan signed by both the City of Dillingham and the seller. Extended payment arrangements in the form of the repayment plan may be granted to a seller for a period not to exceed two years.

The repayment plan contract will meet the following requirements:

1. The seller has not been placed on the delinquent list in the previous three calendar years.

2. The seller has not been in default on a repayment plan in the previous three calendar years.
3. The seller agrees to pay twenty per cent down payment of the tax, interest, and penalty amount due. The down payment shall be applied first to penalty, then to accumulated interest, and then to the tax owed.
4. The seller agrees to pay the balance of the tax and interest owed in equally monthly installments over a period not to exceed two (2) years.
5. The seller will provide a personal guarantee of the obligations under the repayment plan if the seller is a corporation or limited liability entity.
6. The seller agrees to pay all future tax bills in accordance with the provisions of this section.

B. Interest on repayment plans shall be at the rate of six per cent (6%) per annum on the amount of tax due provided that if the seller fails to make one or more payments at the time agreed under the repayment plan the full amount of interest owed under Section 4.20.220 shall be due and owing on the entire remaining balance.

Section 4. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Requested by: City Council
Introduced: September 6, 2012
Public Hearing Scheduled for: November 1, 2012
Ord. No. 2012-17 (SUB 1) Presented: November 1, 2012
Postponed to: December 6, 2012
Public Hearing Scheduled for: December 6, 2012
Ord. No. 2012-17 (SUB 2) Presented: December 6, 2012
Ord. No. 2012-17 (SUB 2) Adopted:

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-17 (SUB 2)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 3.40.015 DESIGNATED SEATS, AMENDING SECTION 3.60.050 BALLOTS – MARKING, VALIDITY-REMOVAL PROHIBITED, AND ADDING SECTION 3.60.055 WRITE-IN CANDIDATES

WHEREAS, the City of Dillingham (City) is recommending adding language to Section 3.40.015 to clarify that a candidate can serve simultaneously for the office of city council and school board;

WHEREAS, the City is recommending changes to Section 3.60.050, Ballots – Marking, Validity – Removal, to be in line with State law and to separate out hand counted ballots from ballots processed by a vote tabulation system; and

WHEREAS, the City is recommending adding a new section 3.60.055, Write-in Candidates, to require a letter of intent be on file in order for votes for a write-in candidate for elective office to be counted;

WHEREAS, in newly proposed Subsection 3.60.055 A, the City is adding a reference after the term “elective municipal office” to Section 3.40.015 in order to clarify municipal office refers to both the office of city council and school board;

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amend Section 3.40.015 to add new text. Section 3.40.015 of the Dillingham Municipal Code is hereby amended as follows with new text displayed in underlined font and deleted text displayed in strike out font.

3.40.015 Designated Seats

Candidates for city council or school board shall file for election day by the municipal voters at large for seats designated alphabetically commencing with the seats vacated in October 1997 and continuing thereafter. No person may file for more than one seat within the same office. However, a candidate can file for office on both the city council and the school board.

Section 3. Amendment of Section 3.60.050, Ballots--Marking, validity--Removal prohibited. Section 3.60.050 of the Dillingham Municipal Code is hereby amended as follows with new text displayed as underlined font and deleted text displayed as strike out font.

3.60.050 Ballots – Marking, validity – Removal prohibited.

A. The ballots shall be counted by the vote tabulation system.

(New text is in underlined font; deleted text is in strike out font)
(Items highlighted in gray shading are being introduced as SUB 2)

B. At no time during the tallying of votes may anyone but the election officials handle the ballots. The ballots shall not be marked in any way by anyone during the tallying.

C. The following rules apply to hand-counted ballots:

A. 1. A voter may mark his or her ballot a ballot only by marking in the oval space the use of cross marks, "X" marks, diagonal, horizontal or vertical marks, solid marks, stars, circles, asterisks, checks, or plus signs that are substantially inside the oval opposite the name of the candidate or proposition the voter desires to designate.

B. 2. A failure to properly mark a ballot as to one or more candidates or propositions does not itself invalidate the entire ballot.

C. 3. If a voter marks fewer names than there are persons to be elected to the office, a vote shall be counted for each candidate properly marked.

D. 4. If a voter marks more names than there are persons to be elected to the office, the Accu-Vote system will return the ballot to the voter for the voter to determine their wish to vote correctly votes for that office will not be counted.

E. The mark specified in Subsection A of this section, shall be counted only if it is substantially inside the oval provided, or touching the oval so as to indicate clearly that the voter intended the particular oval marked.

F. Improper marks on the ballot will be returned to the voter by the Accu-Vote system and a new ballot shall be issued.

G. An erasure or correction invalidates only that section of the ballot in which it appears on the ballot.

5. H. Write-in votes are not invalidated by writing in the name of the candidate whose name is printed on the ballot, unless the election board determines, on the basis of other evidence, that the ballot was so marked for the purpose of identifying the ballot.

6. J. In order to vote for a write-in candidate, the voter must write in the candidate's name in the space provided, or use a sticker as allowed under subsection i of this section and, in addition, fill in mark the oval opposite the candidate's name, in accordance with subsection a of this section

7. I. Affixing stickers on a ballot in an election to vote for a write-in candidate is prohibited. [Stickers bearing a candidate's name may be affixed to the ballot in lieu of writing in a candidate's name if write-in votes or ballots are otherwise permitted. Stickers shall not be issued by members off the election board while serving at the polls. Stickers shall not be offered to voters within two hundred feet of the polling place.]

8. Write-in votes shall only be tabulated by person if the total number of write-in votes for an office exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot. No votes for a write-in candidate may be counted unless that candidate has filed a letter of intent with the city clerk in accordance with Section 3.60.055 Write-in Candidates.

(New text is in underlined font; deleted text is in strike out font)
(Items highlighted in gray shading are being introduced as SUB 2)

K. D. No voter may leave the polling place with the official ballot that he/she received to mark.

Section 4. Add a new Section 3.60.055, Write-in Candidates. Section 3.60.055 of the Dillingham Municipal Code is hereby added to read as follows:

3.60.055 Write-in Candidates.

A. Votes for a write-in candidate for elective city municipal office (city council and school board) will not be counted unless the candidate has filed a letter of intent. The letter of intent shall be executed under oath before and on a form provided by the city clerk. The letter of intent shall state in substance:

1. The full name of the candidate;
2. The full residence and mailing addresses of the candidate;
3. A contact phone number;
4. The office and seat to which the candidate seeks election;
5. The name of the candidate as the candidate wishes it to be written in on the ballot by the voter;
6. The date of the election at which the candidate seeks election;
7. A certification by the candidate that the candidate:
 - a. is a qualified voter;
 - b. is a resident of the city;
 - c. qualifies, or shall qualify as of the date of election, for the office to which the candidate seeks election;
 - d. shall serve if elected; and
 - e. is not a candidate for any other office to be voted on at the election ~~has not~~ filed for more than one seat within the same office as noted in Section 3.40.015;
8. A certification by the candidate that the information in the letter of intent is true and accurate.
9. The date and signature of the candidate seeking office.

B. A letter of intent under subsection A of this section must be filed with the city clerk not earlier than the first business day following the last day of the filing period for declarations of candidacy for the election under Section 3.40.020, and not later than one p.m. on the day before the election.

Section 5. Effective Date. This ordinance is effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____.

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

(New text is in underlined font; deleted text is in ~~strike out~~ font)
(Items highlighted in gray shading are being introduced as SUB 2)

City of Dillingham Information Memorandum No. O2012-17 (SUB 2)

Subject: An ordinance of the Dillingham City Council amending Section 3.40.015 Designated Seats, amending Section 3.60.050, Ballots – Marking, validity – Removal prohibited, and adding Chapter 3.60.055, Write-in candidates

Agenda of: December 6, 2012

Council Action: At the November 1 Council meeting, the Council moved to adopt Ordinance No. 2012-17 (SUB 1) and then moved to postpone until December 6. The Council officially has "on the table" Ordinance No. 2012-17 (SUB 1) for a public hearing.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- Notice of Public Hearing is scheduled to be advertised in the November 29, 2012 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing, and was posted in three public places.

Summary Statement.

At the November 1 Council meeting, Council questioned whether the term "city office" used in newly proposed section 3.60.055 covered both school board and city council.

The following is a summary of action thus far pertaining to Ordinance No. 2012-17, information regarding Ordinance No. 2012-17 (SUB 1) and information regarding Ordinance No. 2012-17 (SUB 2).

Summary of Ordinance No. 2012-17 (original ordinance) introduced September 6, 2012, and scheduled for a public hearing November 1, 2012.

- disallow stickers on the ballot bearing the write-in's name (State law);
- adopt language write-in votes shall only be tabulated by person if the total number of write-in votes exceeds the smallest number of votes cast for a candidate for that office whose name is printed on the ballot (similar language as the Wasilla and North Pole code regarding tallying votes for write-ins);
- require a letter of intent be on file for all write-ins (Wasilla code);
- adopt language for type of marks that will be allowed in filling in the oval on the ballot including X's, check marks, etc. (State law).

Information regarding substitute Ordinance No. 2012-17 (SUB 1)

In an effort to capture suggestions made by the Code Review Committee and staff, the following amendments were incorporated into Ordinance No. 2012-17 (SUB 1), presented November 1, 2012, adopted, and postponed for a public hearing December 6, 2012:

- Section 3.60.055 separated out rules affiliated with hand counted ballots from tabulating votes using an automated vote tabulation system by adding Subsection 3.60.050 A “ The ballots shall be counted by the vote tabulation system” and adding Subsection 3.60.055 C “The following rules apply to hand-counted ballots”;
- Subsection 3.60.050 B “at no time during the tallying of votes may anyone but the election officials handle the ballots. The ballots shall not be marked in any way by anyone during the tallying” was added; and
- Subsections 3.60.055 E, F, and G were removed because they refer to the automated vote tabulation system which is preprogrammed.

Information regarding substitute Ordinance No. 2012-17 (SUB 2)

SUB 2 addresses a concern made by the Council at their November 1 meeting does elective city office mean city council and school board. The following amendments were incorporated into Ordinance No. 2012-17 (SUB 2).

- Subsection 3.40.015 was amended to add “However a candidate can file for both a city council and a school board seat, following “Candidates for city council or school board shall file for election by the municipal voters at large for seats designated alphabetically commencing with the seats vacated in October 1997 and continuing thereafter. No person may file for more than one seat within the same office”.
- Proposed Subsection 3.60.055 A “elective city office” was changed to elective municipal office (Section 3.40.014, Designated Seats) to mirror *municipal offices* as used in Section 3.10.030, which reads “A regular election shall be held annually on the first Tuesday in October for the election of *vacant municipal offices* and the determination of such other matters as may be placed on the ballot”; and
- Proposed Subsection 3.60.055 A, 7.e. was amended to strike “is not a candidate for any other office to be voted on at the election” and replaced with “has not filed for more than one seat within the same office”, which mirrors Section 3.40.015.

The City’s Attorney has reviewed Ordinance No. 2012-17 (SUB 2). It is his opinion that municipal and city office refers to both the offices of City Council and School Board. The City will need to get a preclearance review from the Dept. of Justice after this ordinance is adopted and prior to the October 2013 election. .

Summary information regarding the motion to substitute SUB 1 for SUB 2 at the December 6 meeting.

At the beginning of the public hearing, the public should be advised that copies of Ordinance No. 2012-17 (SUB 2) are on the table and that comments on that version of the ordinance will also be welcomed during the public hearing on Ordinance No. 2012-17 (SUB 1).

The Code Review Committee is recommending that the ordinance last read (Ordinance No. 2012-17 (SUB 1) be substituted for the referred ordinance (Ordinance No. 2012-17 (SUB 2), noting the substitute text is highlighted in gray coloring.

The adoption process should then go as follows:

“I move to amend Ordinance No. 2012-17 (SUB 1) by substituting Ordinance No. 2012-17 (SUB 2).”

If the amendment is approved, the Council then votes on whether to adopt Ordinance No. 2012-17 (SUB 2).



PUBLIC NOTICE

**Public Hearing on Ordinance No. 2012-17 (SUB 1)
and Ordinance No. 2012-18**

The City Of Dillingham will hold a **Public Hearing on Thursday, December 6, 2012, at 7:00 P.M. in the City Council Chambers** for the purpose of taking comment from the public on Ordinance No. 2012-17 (SUB 1), and Ordinance No. 2012-18 as follows:

Ordinance No. 2012-17 (SUB 1), An Ordinance of the Dillingham City Council Amending Section 3.60.050, Ballots-Marking, Validity-Removal Prohibited, and Adding Section 3.60.055, Write-In Candidates

Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid tax.

From the City Clerk's Office, 842-5212, cityclerk@dillinghamak.us.

Requested by: City Council
Introduced Ord. No. 2012-18: October 4, 2012
Public Hearing Ord. No. 2012-18 Scheduled for: November 1, 2012
Postponed Adoption to: December 6, 2012
Public Hearing Ord. No. 2012-18 Scheduled for: December 6, 2012
Present Ordinance No. 2012-18 (SUB 1): December 6, 2012
Ordinance No. 2012-18 (SUB 1) Adopted:

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2012-18 (SUB 1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 4.20 OF THE DILLINGHAM MUNICIPAL CODE TO LIMIT THE PENALTY ASSESSED FOR FAILURE TO FILE SALES TAX RETURNS OR REMIT SALES TAX TO TEN PERCENT, ELIMINATE INTEREST ACCRUAL ON PENALTY AMOUNTS AND PROVIDE AUTHORITY FOR REPAYMENT PLANS FOR UNPAID TAX

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Section 4.20.210(B). Section 4.20.210(B) if the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

B. Failure to File a Return. A seller who fails to file a return as required by this chapter or who fails to remit taxes collected, or which should have been collected, is subject to a penalty. The penalty is five ten percent of the taxes collected, or which should have been collected, ~~per month, until paid~~. The filing of an incomplete return is the equivalent of filing no return.

Section 2. Amendment of Section 4.20.220. Section 4.20.220 of the Dillingham Municipal Code is hereby amended to read as follows: (Additions are underlined and deletions are shown as strikethrough.)

4.20.220 Interest on late payments.

A seller who fails to remit payments in a timely manner shall be liable for interest charges of ~~ten and one-half~~ six percent per annum on the amount of delinquent taxes accruing from the due date until paid in full. Interest shall not accrue on any penalty imposed under Section 4.20.210(B).

Section 3. Amendment of Chapter 4.20. Chapter 4.20 of the Dillingham Municipal Code is hereby amended by adding a new section 4.20.265 to read as follows:

4.20.265 Repayment Plan

A. A seller who is delinquent may cure their delinquency by agreeing to a repayment plan signed by both the City of Dillingham and the seller. Extended payment arrangements in the form of the repayment plan may be granted to a seller for a period not to exceed two years.

(Items highlighted in gray shading are being introduced as SUB 1.)

The repayment plan contract will meet the following requirements:

1. The seller has not been placed on the delinquent list in the previous three calendar years.
2. The seller has not been in default on a repayment plan in the previous three calendar years.
3. The seller agrees to pay twenty per cent down payment of the tax, interest, and penalty amount due. The down payment shall be applied first to penalty, then to accumulated interest, and then to the tax owed.
4. The seller agrees to pay the balance of the tax and interest owed in equally monthly installments over a period not to exceed two (2) years.
5. The seller will provide a personal guarantee of the obligations under the repayment plan if the seller is a corporation or limited liability entity.
6. The seller agrees to pay all future tax bills in accordance with the provisions of this section.
7. The seller provides a security interest in the form of a sales tax lien to be recorded at the time the repayment plan is signed for the full amount of the delinquency including accrued interest and penalty.

B. Interest on repayment plans shall be at the rate of six per cent (6%) per annum on the amount of tax due provided that if the seller fails to make one or more payments at the time agreed under the repayment plan the full amount of interest owed under Section 4.20.220 shall be due and owing on the entire remaining balance.

C. If a seller fails to pay one or more payments as agreed, the City will consider the repayment plan to be no longer valid. The City will send the seller a notice that their repayment plan is no longer in force. The City may proceed to foreclose on the sales tax lien or to take any other remedy available under the law including placing the seller on the delinquent list.

Section 4. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

(Items highlighted in gray shading are being introduced as SUB 1.)

City of Dillingham Information Memorandum No. O2012-18 (SUB 1)

Subject: An ordinance of the Dillingham City Council amending Chapter 4.20 of the Dillingham Municipal Code to limit the penalty assessed for failure to file sales tax returns or remit sales tax to fifteen percent, eliminate interest accrual on penalty amounts and provide authority for repayment plans for unpaid tax

Agenda of: December 6, 2012

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

- Notice of Public Hearing is scheduled to be advertised in the November 29, 2012 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing, and was posted in three public places.

Summary Statement.

This ordinance was introduced October 4 and was vetted through the Code Review Committee. The Committee was tasked with reviewing penalty and interest fees. They recommended revising the penalty on late sales tax filings from 5 % per month to 15% per incident, one-time fee, and leaving the interest as is, which is 10.5% per annum.

When it came up on the agenda November 1 to recommend adoption, the Council was asked to postpone adoption, because the Code Review Committee was reevaluating several issues that arose after it was introduced, including the possibility of standardizing penalties and interest fees and adding language to define the consequences for being in default on a repayment plan. After further evaluation, the Committee recommended a penalty of 10%, and interest levied at 6%, same as the penalty and interest imposed for late payment on real and personal property taxes.

At the beginning of the public hearing, the public should be advised that copies of Ordinance No. 2012-18 (SUB 1) are on the table, and that comments on that version of the ordinance will also be welcomed during the public hearing on Ordinance No. 2012-18.

The Code Review Committee is recommending that the ordinance last read, Ordinance No. 2012-18, be substituted for the referred ordinance, Ordinance No. 2012-18 (SUB 1), noting the substitute text is highlighted in gray shading.

The adoption process should then go as follows:

“I move to amend Ordinance No. 2012-18 by substituting Ordinance No. 2012-18 (SUB 1).”

If the amendment is approved, the Council then votes on whether to adopt Ordinance No. 2012-18 (SUB 1).



PUBLIC NOTICE

**Public Hearing on Ordinance No. 2012-17 (SUB 1)
and Ordinance No. 2012-18**

The City Of Dillingham will hold a **Public Hearing on Thursday, December 6, 2012, at 7:00 P.M. in the City Council Chambers** for the purpose of taking comment from the public on Ordinance No. 2012-17 (SUB 1), and Ordinance No. 2012-18 as follows:

Ordinance No. 2012-17 (SUB 1), An Ordinance of the Dillingham City Council Amending Section 3.60.050, Ballots-Marking, Validity-Removal Prohibited, and Adding Section 3.60.055, Write-In Candidates

Ordinance No. 2012-18, An Ordinance of the Dillingham City Council Amending Chapter 4.20 of the Dillingham Municipal Code to Limit the Penalty Assessed for Failure to File Sales Tax Returns or Remit Sales Tax to Fifteen Percent, Eliminate Interest Accrual on Penalty Amounts and Provide Authority for Repayment Plans for Unpaid tax.

From the City Clerk's Office, 842-5212, cityclerk@dillinghamak.us.

Janice Williams

Subject: FW: Library Board

From: Annette [<mailto:pbandco@gmail.com>]

Sent: Monday, October 29, 2012 10:58 AM

To: cityclerk@dillinghamak.us

Subject: Library Board

I would like to submit myself for consideration to a seat on the Library Board as a community member. I have a deep appreciation for books, reading, and teaching children to enjoy stories and knowledge. I have an extensive collection of books, but find reasons to use the resources at the Dillingham Public Library on a regular basis. I would like to become more involved with the library's acquisitions and programs.

Thank you,
Annette Stelling

P.O. Box 1009
Dillingham
842-2208 (home)
842-9397 (work)
pbandco@gmail.com (personal email)

--
We are here to add what we can to life, not to get what we can from life.
~ William Osler ~

Janice Williams

From: Rae Belle Whitcomb [rwhitcomb@bbna.com]
Sent: Tuesday, November 06, 2012 10:24 AM
To: mayor@dillinghamak.us
Subject: Cemetery Committee

Good Morning Mayor Alice Ruby,

I am interested in serving on the Cemetery Committee in Dillingham. I have been actively involved in the upkeep of our local cemeteries for many years growing up in Dillingham. I work at BBNA and BBNA offers burial assistance to qualified native residents in our region and many need assistance in obtaining a burial site. I would be willing to serve on the committee to benefit our community and region in ensuring the historical records of our community are preserved for family and friends.

Please consider my request to be appointed to the Dillingham Cemetery Committee.

Thank you,
Rae Belle Whitcomb

Rae Belle Whitcomb
Bristol Bay Native Association
Director Workforce Development
P.O. Box 310
Dillingham, Alaska 99576
Phone: 907-842-2262 X 410
Fax: 907-842-3498

Janice Williams

From: Alice Ruby [alice@bbedc.com]
Sent: Wednesday, November 07, 2012 2:42 PM
To: Janice Williams
Subject: FW: re Cemetery committee

From: Imogene Gardiner [mailto:timgar@starband.net]
Sent: Wednesday, November 07, 2012 10:43 AM
To: Alice Ruby
Subject: re Cemetery committee

I would love to sit on the Cemetery Committee. I have been involved with the cleaning up of some of the cemeteries and have been documenting whom is interred in them since moving back home 10 years ago.

CITY OF DILLINGHAM CITY COUNCIL

IN THE MATTER OF

**PROTEST OF ECOLOGICAL ENGINEERING, INC. TO PROPOSED AWARD OF
CONTRACT FOR ENGINEERING SERVICES TO CH2M HILL**

Having considered an objection to award of a contract for engineering services to CH2M Hill submitted on October 25, 2012 by Ecological Engineering Inc. ("EEG") and having considered all of the materials referenced in EEG's additional submission of October 29 and in this decision and all of the additional information provided to the city council during the procurement process, and having directed that a contract be awarded to CH2M Hill Engineers, Inc. ("CH2M Hill"), the City of Dillingham City Council adopts the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On August 15 the City advertised a request for proposals for engineering services ("RFP") for the design of a "comprehensive upgrade" to the City's waste water treatment plant ("WWTP").
2. The RFP indicated that proposers would be "scored" by a committee using four criteria- project approach (20%), experience (60%), qualifications (15%) and schedule (5%). The RFP indicated proposals were due by 5 p.m. on September 17 and that the proposer deemed "best qualified to perform this project" would be recommended to the City Council for contract award".
3. Three proposals were received, reviewed by a five member committee and scored. CH2M Hill received the highest score of 98. EEG received a score of 95 which was the lowest score of any of the proposers. In the experience category EEG received 58 out of a total of 60 points. The committee was not shown any of the cost proposals/estimates submitted in response to the RFP until after the proposals had been scored.
4. Even though EEG received the lowest score, on September 27, 2012 Steve Cropsey a consultant retained by Dillingham to manage the upgrade project recommended to the city manager that EEG be awarded the contract and identified EEG as "the firm most responsive to not only the RFP but the particular needs of the Dillingham community and its treatment needs and opportunities".
5. After writing the September 27 memorandum, Mr. Cropsey began contacting EEG references and looking into EEG's licensing status. By October 1, Mr. Cropsey had concluded EEG did not have all the licenses required by state law to provide design services to the City.

6. On October 3, 2012, Mr. Cropsey informed EEG of the need for EEG to obtain an additional authorization to perform design services in Alaska. He also informed them the references received by the City to date were "moderately positive" and that the City's biggest concern was the firm's "lack of Alaska experience". Rather than accept this information EEG disputed that they were not properly licensed and ultimately were referred to the State licensing official for an explanation thereby demonstrating EEG's unfamiliarity with Alaska requirements.

7. On October 4, 2012, city manager Rose Loera recommended in Action Memorandum 2012-10 that the city council authorize her to "negotiate and ultimately execute" a contract with EEG "or if negotiations fail with CH2 M Hill". The action memorandum contained a summary statement which indicated EEG was not currently licensed to do the design work but that obtaining the license "should be perfunctory" and stated "a backup plan allowing negotiation with CH2 M Hill is being requested if EEG does not secure the license and/or the qualifying responsible person's References are not satisfactory".

8. The Council unanimously approved Action Memorandum 2012-10 at the October 4 meeting.

9. On October 5, 2012 Mr. Cropsey e-mailed EEG indicating they were being "seriously considered" for the award of a contract but reiterating Mr. Cropsey's concerns about EEG's lack of Alaska experience.

10. On or about October 5, EEG had listed Steve Pannone as the person they would be identifying to the State as the engineer responsible for EEG's work. When Mr. Cropsey checked Mr. Pannone's licensing history he had concerns due to a prior suspension of Mr. Pannone's professional license. This caused additional concerns about EEG's experience and qualifications for the work.

11. On October 7, 2012 Mr. Cropsey e-mailed EEG stating they "will not be considered any longer" for the work. This same e-mail indicated this decision was "not in any way a reflection on the person EEG proposes as the 'responsible person' for the professional license requirements". Instead the October 7 e-mail indicated EEG "did not meet the exact needs" of the City and would no longer be considered.

12. On October 11, 2012 Mr. Cropsey e-mailed EEG stating "[t]he City Council has in fact directed that the firm of CH2 M Hill be retained to provide all engineering services as described in the RFP".

13. On October 15, the City issued a notice of intent to award the engineering contract to CH 2 M Hill and notified EEG of their right to protest the award.

14. Also on October 15, EEG obtained the required state license identifying Donald Bassler as the "person in responsible charge for mechanical engineering".

15. On October 25, EEG filed a formal bid protest. The basis for the bid protest was set forth in some detail in a letter dated October 29. EEG's position is that the prior Council action on October 4 requires the City to award EEG the contract. In addition, EEG contends Mr. Cropsey's post October 4 communications are contrary to the decision made by the City Council and not a proper good faith procurement process. EEG also claims procedures required by city code were not followed.

16. On October 26, the City Manager prepared an action memorandum for the city council recommending award to CH2M Hill. The action memorandum indicated the city manager was not comfortable awarding the contract to EEG based on reported reference information and preferred the city hire CH2M Hill.

17. The City Council considered EEG's bid protest at its meeting of November 1. EEG was provided an opportunity to attend in person but was not present. The council deliberated in executive session and afterward unanimously decided to affirm the City Manager's recommendation of award of the contract to CH2M Hill.

CONCLUSIONS OF LAW

1. The following items were considered as part of the record of this proceeding:

Scoring Sheet of RFP Responses
September 27 Memorandum of Mr. Cropsey
Action Memorandum 2012-10
EEG Bid Protest Letter dated Oct. 29 with attachments
Action Memorandum 2012-12

2. Section 4.30.100 of the Dillingham Municipal Code sets forth the process for an award of a contract for professional services in response to requests for proposals. The process involves advertising, public opening of bids, written evaluation of the bids, a recommendation for award and an opportunity to protest the recommended award.

3. When the contract is for professional services, DMC 4.30.120 specifically allows for the city council after the process of DMC 4.30.100 has been initiated "to waive the procedure and negotiate a contract". A decision to waive the procedure and negotiate must be based on a finding that it is in the public interest to proceed in this fashion.

4. The WWTP project is an extremely important project for the citizens of Dillingham.

It is important that the city manager and the city's consultant have confidence in the capabilities and qualifications of the professional engineers responsible for designing the project. Events since October 4 establish that the city manager and the city's consultant are no longer confident EEG has the best experience and capability for this work.

5. Professional services contracts are not awarded on a "low bid" basis. EEG was never considered the "low bidder" or the "lowest responsible bidder" as that phrase is defined at DMC 4.30.030(A).

6. The decision to award the contract to CH2M Hill does represent a change from the October 4 approval of the city council for award to EEG. The City Council finds that there is a reasonable basis for this change. The October 4 directive was contingent on references. The references listed by EEG did not provide unqualified positive references. There was legitimate concern with the previous license suspension of the engineer first identified by EEG as primarily responsible for the contract. EEG's response to their licensing situation also demonstrated potential difficulty in working with the City's consultant and an unfamiliarity with Alaska licensing requirements. The change in designated responsible engineers for the project suggests EEG did not have a stable team with previous experience in working as a unit but instead was putting together a group of engineers who had not actually worked together previously in designing upgrades to a WWTP.

7. Action Memoranda 2012-10 and 2012-12 and Mr. Cropsey's memorandum of September 27, meet the requirements of DMC 4.30.100(E) for a written evaluation of the responses to the RFP. This evaluation is required in all instances not just when a bidder is determined to be not responsible.

8. For the reasons identified above, the determination to change from awarding the contract to EEG to awarding the contract to CH2M Hill is in the best interests of the citizens of Dillingham. Therefore, the city council affirms the decision of the city manager to award the contract to CH2M Hill.

9. This was a contract for professional engineering services. Accordingly, to the extent any procedure required by DMC 4.30.100 has not been followed the city council expressly waives these procedures and authorizes entering into a negotiated contract with CH2M Hill.

CONCLUSION

WHEREFORE, having set forth Findings of Fact and Conclusions of Law, the Dillingham City Council hereby affirms the city manager's evaluation and recommendation as set forth in Action Memorandum 2012-12 and directs that the contract be awarded to CH2M Hill and denies the bid protest of EEG.

This is the final decision of the City of Dillingham on the EEG bid protest. If EEG wishes to appeal this decision they must file a Notice of Appeal with the Superior Court and the Dillingham City Clerk no later than thirty (30) days after this decision is issued.

Duly adopted this 6th day of December, 2012.

Alice Ruby, Mayor
City of Dillingham

City of Dillingham Action Memorandum No. 2012-13

Subject: Approve administration leave for Christmas and New Year Holiday

Agenda of: December 6, 2012

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

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

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

Other Attachment(s):

Summary Statement.

YEAR	December 25	Observed	Admin LV	January 1	Observed	Admin LV
2007	Tuesday	Dec. 25, T	Dec. 24, M	Tuesday	Jan. 1, T	Dec. 31, M
2008	Thursday	Dec. 25, Th	Dec. 26, F	Thursday	Jan. 1, Th	Jan. 2, F
2009	Friday	Dec. 25, F	Dec. 24, Th (4 hrs)	Friday	Jan. 1, F	Dec. 31, Th (4 hrs)
2010	Saturday	Dec. 24, F	Dec. 23, Th	Saturday	Dec. 31, F	
2011	Sunday	Dec. 26, M	Dec. 23, F	Sunday	Jan. 2, M	
2012 *	Tuesday	Dec. 25, T	Dec. 24, M	Tuesday	Jan. 1, T	Dec. 31, M (1/2 day)

* 2012 – proposed

Historical.

Based on 2007 and forward, City Council has approved administrative leave over the Christmas and New Year's holiday instead of a Christmas gift or bonus and as a way of expressing appreciation to staff. Administrative Leave is for straight time only and those positions that are essential have the opportunity to utilize this day at another time. For 2012, City Administration has proposed administration leave for Monday, December 24, and a 1/2 day for Monday, December 31. We appreciate the Council's consideration.

Tax-Exempt Properties Rise as Cities Cope with Shrinking Tax Bases

A comprehensive solution to replenish municipal coffers has yet to emerge.

BY: MIKE MACIAG | NOVEMBER 2012



RELATED ARTICLES

- [Property Tax Exemption Data for U.S. Cities](#)
- [Tax Pledge Permeates New Hampshire Politics](#)
- [Taking Tax Cuts to a Deeper Level](#)
- [Making Sense of Tax Incentives](#)

Johns Hopkins Hospital anchors an expanding network of medical facilities on Baltimore's east side. To the north, the Johns Hopkins University campus covers some 140 acres. Nearby, the grounds of Loyola University Maryland stretch out over 80 acres. In all directions of the city, a large roster of governments, universities and nonprofits own parcels of land. Yet the one place where most of these plots are noticeably absent is on the city's property tax rolls.

In all, the value of property owned by governments, nonprofits and other tax-exempt organizations totals \$15.1 billion -- 30 percent of Baltimore's entire assessed value. Six years ago, exempt properties accounted for only 25 percent of the total value. But since Baltimore relies on property taxes for half its revenue, the increase is a significant hit to the

city's pocketbook. In 2007, Baltimore's tax bill for all exempt properties would have totaled \$202.4 million if they were taxable at the current rate. This year, the city would have collected \$343.2 million. "It's a long-term issue that we can't ignore," says Mayor Stephanie Rawlings-Blake. "Doing nothing isn't an option."

Baltimore is hardly alone. A pattern of property disappearing from tax rolls has developed across many of the nation's urban cores as cities grapple with dwindling tax bases. In 16 of the 20 most populous cities with available data, tax-exempt properties today account for a higher share of the total assessed value than they did five years ago, according to a *Governing* analysis of assessment rolls. Nearly 29 percent of Jacksonville, Fla., property, for instance, was not taxable in 2011, up from 21 percent of the assessed value in 2006. Similarly, the assessed value of exempt Phoenix properties swelled from \$2.5 billion in fiscal year 2007 to \$3.8 billion in fiscal 2012, even as the city's total taxable assessed value remained about the same.

The tax base is under siege from many quarters. In most cities, it has deteriorated with the recession and the bursting of the housing bubble. The degree to which newly exempt property has cut into revenues or caused tax rate hikes varies greatly across the country, with some cities far more reliant on property taxes than others. The bulk of exempt property in Baltimore and most other large cities belongs to governments. Accordingly, local governments buying up vacant parcels for redevelopment or states acquiring additional land are contributing factors to more property coming off tax rolls.

Part of some cities' jump in exempt property can also be traced to hospitals, universities and other nonprofits occupying valuable real estate. Baltimore's total property exemptions for religious and nonprofit institutions climbed approximately 76 percent from fiscal year 2006 to 2012, while taxable values increased 35 percent. Nationwide, the number of nonprofits grew by 25 percent between 2001 and 2011. It isn't just the sheer number of them that's impressive. It's that these nonprofits are also economic engines for cities. The National Center for Charitable Statistics at the Urban Institute reports the nonprofit sector is expanding faster both in terms of employees and wages than business and government, and the industry's share of GDP rose from 4.86 percent in 2000 to 5.4 percent in 2010.

As the problem compounds, state and local governments have embarked on a serious search for answers. Their approaches range from stepped-up efforts to collect voluntary payments in lieu of taxes (PILOTs) to targeting the definition and basis for a nonprofit's tax exemption. But a comprehensive solution to replenish municipal coffers and shift the tax burden away from residents has yet to emerge.

Property tax exemptions are most prevalent in capital cities and college towns, where the top employers -- governments and universities -- are also tax-exempt property owners.

Some cities in financial turmoil are home to particularly high numbers of exempt properties. In Harrisburg, Pa., the state capital whose bankruptcy filing was rejected last year, nearly half the total assessed property value is exempt. Much of that property belongs to the state. If Pennsylvania paid taxes on its holdings, its annual bill would total \$4.1 million, according to the city. Pennsylvania does, however, appropriate money to cover fire protection costs. It contributed \$496,000 last year and boosted the allocation for the current fiscal year to \$2.5 million as part of the city's fiscal recovery plan.

Other cities increasingly feel the same pain as more public entities and nonprofits cross property off tax rolls. Of the few localities *Governing* analyzed where the exempt share of total property value did not increase, only Fort Worth, Texas, showed a decline exceeding 1 percent.

Many cities respond by negotiating PILOT agreements with nonprofits, typically taking the form of long-term contracts. In a recent survey of jurisdictions throughout the country, the Lincoln Institute of Land Policy found at least 218 localities in 28 states initiating PILOTs since 2000. The survey also reported educational and medical institutions fund 90 percent of all PILOT revenue, with much of the total from hospitals and universities in the Northeast.

However, PILOT revenue hardly registers on most city budgets, generating only 0.13 percent of a typical locality's general revenue, according to the study. "It just isn't really a game changer for most municipalities," says Adam Langley, a research analyst who co-authored the report. For instance, Boston's PILOT program is the nation's largest -- collecting \$19.4 million from 34 educational, medical and cultural institutions last fiscal year. Still, the total only accounts for 1.5 percent of its property taxes.

Baltimore's experience is typical of the tricky balancing act cities face. In 2010, Baltimore formed a six-year PILOT agreement with state hospital and university associations totaling \$20.4 million through fiscal year 2016. Rawlings-Blake acknowledges the PILOT is only a temporary revenue stream and one dwarfed by nonprofits' property tax exemptions. But she notes that nonprofits, which own approximately 11 percent of the total property value, remain key to the city's economy. "We have to figure out a way to balance the contributions these nonprofits are making," she says, "while at the same time acknowledging the fact that there is a shared burden for the core services the city provides."

The nonprofits felt pressure in 2010 after a bill introduced in the City Council proposed a bed tax for exempt institutions. Joseph L. Smith, director of local government affairs for Johns Hopkins Medicine and Johns Hopkins University, says the institutions already pay utility fees and provide numerous benefits to the community. "We don't think it's good public policy to have our real estate taxed," he says. "Having said that, we recognized at the time the city had a budget deficit." The hospital system and university contributed \$5.4 million this fiscal year, an amount set to decline over the length of the agreement. It's too early to know whether Hopkins will enter into another PILOT after 2016, but Smith says a decision likely hinges on the economy and the city's financial situation.

In fashioning PILOTs, there is no cookie-cutter formula applicable to all cities, says G. Reynolds Clark, a vice chancellor at the University of Pittsburgh, who co-chairs the Pittsburgh Public Service Fund. In his talks with other nonprofits, Clark is careful to avoid using the terms "PILOT" and "taxes." "There's a concern that if you acknowledge making a payment in lieu of taxes, you're admitting you should be paying taxes," he says. It's more important, Clark suggests, for city officials to initiate an open dialogue with nonprofits instead of simply demanding they pay up. "I believe a common denominator can be found that everyone can work with," he says.

Woods Bowman, a DePaul University professor who has studied exemptions, says PILOTs are often unpredictable and not transparent. When a city is about to lose property from the tax rolls, he suggests it could assess a one-time impact fee. Such fees are on more solid ground legally, he says, and they would allow groups to count payments against project development costs.

A different type of deal was struck earlier this year when University of Pittsburgh Medical Center bought a parcel of land from a Pennsylvania township for a new hospital, agreeing to annually pay 50 percent of the assessed value in property taxes. The arrangement led some officials in the region to speculate about forging similar agreements with other exempt institutions.

Apart from PILOTs, more officials are questioning the definitions used to qualify nonprofits for tax-exempt status. Most state laws list a myriad of qualifying group types. There's typically a catch-all term, such as "charity," that's open for varying interpretations, leading to court challenges, many of which reach state supreme courts. "People are identifying the issues and learning how to bring these challenges or at least talk about them," says Evelyn Brody, a professor at the Chicago-Kent College of Law. Although variations in state laws are relevant, Brody says what's happening on the ground in each area is more important.

The Pennsylvania Supreme Court raised eyebrows in April when it ruled a Brooklyn-based Orthodox Jewish summer camp did not qualify as a purely public charity. In the case, the court asserted supremacy of its 1985 decision establishing a five-point test granting charities tax-exempt status. At issue was one requirement to "relieve the government of some of its burden," which the camp failed to satisfy.

Some jurisdictions are looking into modifying their definitions. But, Brody says, about half of states outline exemptions in their constitutions, meaning such changes would be difficult.

The exempt status of nonprofit health-care facilities, in particular, is receiving far greater scrutiny. Some states set mandates for amounts of free or discounted care tax-exempt hospitals must provide low-income patients. Texas nonprofit hospitals, for example, must devote at least 4 percent of net patient revenue to charity care. Illinois Gov. Pat Quinn provided clarity to state rules this summer when he signed a bill setting clear guidelines. A tax-exempt hospital can retain its exemption by providing charity care or health services equal to or exceeding its estimated property tax liability, which would be determined by a third party.

California Senate Majority Leader Ellen Corbett also called for tightening of rules for nonprofit hospitals in her state. The impetus was a state audit in August that found exempt hospitals were not required to provide specific amounts of

uncompensated care or community benefits. At the four nonprofit hospitals auditors looked at, each one used a different method of calculating uncompensated expenses.

Nonprofit hospitals are fighting back, arguing that charity care is not the best or only measure of actual community benefit. Anne McLeod, the California Hospital Association's senior vice president of health policy, says affluent communities demand different services than low-income areas where there is more of a need for charity care. "By painting broad brush strokes on everyone, you run the risk of putting unfair demands on some hospitals," McLeod says. The association opposes narrowing the state's exemption requirements, arguing they're already shortchanged in Medicare and Medicaid payments. And in theory, once the Affordable Care Act is implemented, demand for charity care will be minimized since more people will be insured.

No one is suggesting churches or soup kitchens lose tax exemptions. Brody suspects that nonprofit hospitals are eyed because they compete with for-profit facilities. Moreover, the high salaries of hospital executives likely draw the ire of some officials. "You see these pressure points that make the states ask questions that they might not have asked before," Brody says.

Most exempt nonprofits already pay sales tax and utility fees. It's also important to note that many nonprofits own no property. An analysis by Joseph Cordes, a George Washington University economics professor, found only half of nonprofits reported owning real property on their 2009 IRS 990 forms. Some assessment offices don't expend much resources reassigning values to the properties nonprofits own. The Cook County, Ill., Assessor's Office and three others contacted for this story could not provide exempt property value totals.

Nonprofit Property Exemptions

Percentages of a city's total assessed value owned by nonprofits and educational institutions. Cities classify properties differently; see descriptions below.

PERCENT OF TOTAL ASSESSED VALUE

Denver	4.19	
Columbus		11.84
Boston		14.41
Baltimore		11.33
Houston	4.43	

Denver: Includes tax year 2011 private schools, religious and charitable organizations

Columbus: Includes tax year 2011 colleges, charities or churches

Boston: Includes FY 2012 educational, charitable, religious, scientific/cultural and social groups

Baltimore: Includes FY 2012 religious and nonprofit organizations

Houston: Includes 2011 charitable, religious, youth development organizations and private schools

SOURCE: GOVERNING

In employment hubs, workers living outside city limits exacerbate property tax woes. As Michael Pagano, dean of the College of Urban Planning and Public Affairs at the University of Illinois at Chicago, points out, these workers converge on downtowns during the day, requiring public safety and transportation services, but typically don't contribute property or income taxes.

In Baltimore, officials have responded with a balance of new taxes and credits. William Voorhees, director of revenue and tax analysis for the city's finance department, says it wants to tax commuters who work there and don't pay any local taxes. So far, this approach has been limited to taxes on parking and beverage containers. Meanwhile, the property tax rate remains one of the region's highest, so the city implemented a homeowner's tax credit this summer. Baltimore property owners subsidize an average of \$1,575 in annual tax liability for exempt properties, including public buildings, before credits. Long term, Voorhees says, the city plans to diversify revenues and continue to push down property taxes.

Some local governments lean heavily on property taxes, particularly in the South, Northwest and New England. Property taxes accounted for 65 percent of Boston's fiscal year 2012 revenue, compared to less than 10 percent for Columbus, Ohio.

Other localities have addressed revenue losses by attaching fees for water and other services. "Cities are being very intelligent in trying to figure out how to charge for the demand for services in a way that doesn't violate the tax-exempt status of the property owner," Pagano says. In Ohio and Kentucky, workers pay some income tax to their place of employment. But in other areas, the tax structure often doesn't link the user of a service to its cost.

This has to change, Pagano says. "What we're facing is one of those once-in-a-many generation opportunities to fundamentally revisit the social compact between a city and a region."



Southwest Alaska Municipal Conference

3300 Arctic Boulevard, Suite 203 Anchorage, AK 99503 p: 907.562.7380 www.swamc.org

Alaska Peninsula
Aleutian Chain
Bristol Bay
Kodiak Island
Pribilof Islands

November 13, 2012

Alice Ruby
City of Dillingham
PO Box 889
Dillingham, AK 99576

*Celebrating 25 years of Economic
Development and Advocacy for
Southwest Alaskans.*

Dear Alice:

We invite you to become a sponsor of the 2013 Southwest Alaska Economic Summit and SWAMC Annual Membership Meeting. Our last meeting, held earlier this year, featured some engaging conversations on the role of the commercial fishing industry in our tight-knit communities, and it's a theme we want to continue for next year. We also explored a variety of energy solutions for households, businesses and communities, another continuing topic. The 2013 Economic Summit and Membership Meeting will be held on **February 20th – 22nd at the Hotel Captain Cook in Anchorage**. The support of communities and businesses of Southwest Alaska has been essential to the success of past conferences, and I hope that you will consider sponsoring our next event as well.

The 2013 conference theme is *25 Years of Regional Connections*. That's right; **SWAMC will celebrate its 25th Anniversary next year!** The organization and the Southwest region have accomplished a lot in the last two and a half decades, and the next conference will highlight how we work together to solve problems. The meetings will start with a one day energy workshop on February 20th. We will continue with a look at new opportunities for the region, including Arctic development logistics and support services, and the potential for natural gas in Western Alaska (an idea that was born at the previous SWAMC conference). We will have a discussion with some of our region's primary transportation carriers, including air and the ferry system. We'll invite our major regional processors to the table and have a dialogue with some of our community leaders, as we learn what both sides need to succeed and identify challenges to further progress in the Southwest. Our regional lawmakers will give us their impressions of the newly reconfigured Alaska Legislature. And we'll hear from the Lt. Governor on broadband, education, and other development topics. Lastly, we will mark this special occasion by serving some of our region's tastiest offerings from the sea at our President's Reception. Stay tuned for more updates on the conference, as we have several other speakers and issues in mind.

The 2013 Summit promises engagement and participation at all levels, and it will take your help to make it a success. Please review the enclosed Highliner Sponsorship information with various funding level opportunities. Thank you for your consideration to support the 2013 Southwest Alaska Economic Summit and SWAMC Annual Membership Meeting. We are grateful for the past support SWAMC has received from its many stakeholders, and I hope we can count you among the sponsors of next year's important event.

Sincerely,

Shirley Marquardt
President

Andy Varner
Executive Director



**Southwest Alaska Economic Summit &
SWAMC Annual Membership Meeting
February 20th - 22nd, 2013**

Sponsorship Opportunities

SWAMC will be celebrating 25 years of regional partnerships in 2013! To show your support for this accomplishment, we invite you to be a sponsor of the 2013 Southwest Alaska Economic Summit and SWAMC Annual Membership Meeting at the Hotel Captain Cook in Anchorage. Sponsors receive recognition in any printed conference materials and are acknowledged on a SWAMC Honor Roll throughout the conference, as well as through our website and numerous newsletters before and after the events. Sponsorships are marketing opportunities to advertise and build name recognition in Southwest Alaska communities. To reserve a sponsorship, call SWAMC at (907) 562-7380 or complete the information below and fax to SWAMC at (888) 356-1206 or email avarner@swamc.org.

Yes, I would like to be a Highliner Sponsor of the 2013 Southwest Alaska Economic Summit and SWAMC Annual Membership Meeting (please check box below):

- | | | | |
|--------------------------|---|---------|--------------------------|
| <input type="checkbox"/> | Commander (Platinum Partner)* | \$7,500 | 3 Sponsorships Available |
| <input type="checkbox"/> | Skipper (Gold Partner) | \$5,000 | 6 Sponsorships Available |
| <input type="checkbox"/> | First Mate (Silver Partner) | \$3,500 | 7 Sponsorships Available |
| <input type="checkbox"/> | Deck Master (Bronze Partner) | \$2,500 | 7 Sponsorships Available |
| <input type="checkbox"/> | Deck Hand (Copper Partner) | \$1,500 | 8 Sponsorships Available |
| <input type="checkbox"/> | Coffee/Lunch/Breakfast Break Sponsor | \$750 | 7 Sponsorships Available |

**Special 25th Anniversary level.*

Name: _____

Community/Organization: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

PAYMENT OPTIONS:

- Charge to Credit Card:**
 Visa MasterCard

Account Number: _____ Exp. Date: _____

Name as it appears on card: _____

Signature: _____

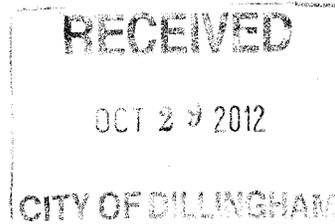
- Check enclosed payable to:**

Southwest Alaska Municipal Conference, 3300 Arctic Boulevard, Suite 203, Anchorage, AK 99503

If you have any questions, please feel free to contact Andy Varner at (907) 562-7380.

Bristol Bay Economic Development Corporation

P.O. Box 1464 • Dillingham, Alaska 99576 • (907) 842-4370 • Fax (907) 842-4336 • 1-800-478-4370



BBEDC

October 22, 2012

BBEDC Board of Directors
Tribal Councils
City Councils
Community Liaisons

Greetings:

As 2013 draws near, I want to take some time to let you know that BBEDC is looking forward to assisting your community reach its goals. As we enter another winter our key to survival is working *together and cooperatively* within our communities and within our region.

Being a CDQ community has its benefits and BBEDC is a unique resource that invests in programs available to all CDQ residents. Some programs, such as the Permit Loan Program, are even available to non-CDQ watershed residents. We pride ourselves on the fact that our programs are available to all residents in a CDQ community, including programs or projects that are funded through BBEDC grants. BBEDC is not a Native organization; we are a community organization and represent all residents of your community, regardless of race or color. This allows us to reach residents and organizations that may not be eligible to receive other forms of assistance.

Within each community, BBEDC provides two points of contact; a Community Liaison and a Board member. The Community Liaison Program was initiated to provide a local point of contact to assist all eligible residents to apply for and receive BBEDC assistance. Sixteen communities currently have a funded community liaison position directly employed by a parent organization. BBEDC has a Memorandum of Agreement with each employing organization agreeing that the liaison is available to assist all residents regardless of membership or affiliation within the organization. The BBEDC Board members are appointed to represent the interests of their entire community and all residents. Each Board member acts as a channel to bring forward the interests and concerns specific to their community. A list of Community Liaison and Board members is enclosed.

As a regional organization mandated to serve all CDQ residents, BBEDC is one of the sole organizations that represent the entire region. As important regional proceedings like the Board of Fish meeting in December are on the horizon, it is essential that we have a unified voice to have maximum impact on Federal and State matters that affect the fate of our region.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Robin Samuelsen
President/CEO

BBEDC Board of Directors

Aleknagik	Margie Aloysius
Clarks Point	Betty Gardiner
Dillingham	Robin Samuelsen
Egegik	Cindy Gabel
Ekuk	Robert Heyano
Ekwok	Kenny Jensen
King Salmon	Mark "Eddie" Angasan
Levelock	Raymond Apokedak
Naknek	Everett Thompson
Manokotak	Moses Toyukuk
Pilot Point	Victor Seybert
Port Heiden	Gerda Kosbruk
South Naknek	Fred "Ted" Angasan
Togiak	Moses Kritz
Twin Hills	Fritz Sharp
Ugashik	Hattie Albecker

BBEDC Community Liaisons

Aleknagik	Shellie Aloysius	842-2856
Clarks Point	Mariano Floresta	236-1479
Dillingham	Christopher Maines	842-2384
Egegik	Cindy Gabel	233-2211
Ekuk	Maria Binkowski	842-3842
Ekwok	Crystal Clark	464-3387
King Salmon	Ralph "Bucko" Angasan	246-3553
Levelock	Greg Andrew III	287-3030
Naknek	Ann Forthofer	246-4210
Manokotak	Rachel King	289-1429
Pilot Point	Victor Seybert	797-2208
Port Heiden	John Christensen, Jr.	837-2295
South Naknek	Karl Rawson	246-8711
Togiak	Joe Alexie	493-5003
Twin Hills	Diane Abraham	525-4821
Ugashik	Nancy Flensburg	797-2400