

Janice Williams reported a majority of clerks also serve as the records manager. This is defined in the job description for the City of Dillingham City Clerk, but not in code. From there a policy can be developed, which will go to the Council for approval after reviewed by the Code Review Committee.

MOTION: Rose Loera moved and Holly Johnson seconded the motion to recommend the Council introduce the proposed ordinance.

Discussion ensued:

- Suggested on the 6th step on the handout to change “regular” to a set time.

VOTE: The motion passed unanimously by voice vote.

- d. C11/14, Provide a Process for Exceptions to DMC 11.08.010 Speed Limit

Janice Williams referred to the recommendations made by the committee which were included in the draft ordinance presented. Manager Loera noted that conversations between the State DOT, BBNA, and the City regarding lowering the speed limits on Windmill Hill were not going anywhere.

MOTION: Holly Johnson moved and Rose Loera seconded the motion to recommend the council introduce the proposed ordinance with the amended language.

VOTE: The motion passed unanimously by voice vote.

- e. C15/15, Senior Citizen/Disabled Veterans Exemption on Real Property (*This will be a handout at the meeting.*)

Janice Williams reported the draft ordinance included a deadline for when a senior exemption application can be filed as required by State law. She noted she was having difficulties working in the language suggested by the committee, to allow for a deadline of Feb. 15, but allow for late filings with an appeal no later than the certification of the tax rolls. She noted the State statute provides that a senior can submit a letter stating “good cause” why their application was late, which is included in the State statute.

Staff to work on the language for filing late.

MOTION: Holly Johnson moved and Misty Savo seconded the motion to modify the ordinance and have it ready to recommend to the Council at their Oct. 15 meeting.

VOTE: The motion passed unanimously by voice vote.

- f. C16/15, Force Filing - Change the Fee Structure

Management is recommending increasing the force filing fee for the second year and requiring an audit the third year if force filing again.

Discussion ensued:

- Recommend the fine for the second consecutive year of force filing be \$250;
- Recommend the customer being audited share in the cost; suggestions included pay a certain percentage or prorate the cost amongst the people being audited;
- Recommend a formula put in place for aircraft owners who are transient; value of the plane divided by the number of days in the year times the number of days on the ground in Dillingham.

Follow-up:

- Contact attorney if allocating a percentage of the taxes owed is allowed.

g. C17/15, Notice of Intent to Award

Discussion ensued over the lowest responsible bidder.

MOTION: Holly Johnson moved and Misty Savo seconded the motion to recommend the draft ordinance to the Council.

VOTE: The motion passed unanimously by voice vote.

h. C18/15, Marijuana Advisory Committee

The committee recommended amending the proposed resolution by creating a nominating committee made up of the Mayor, Manager, and two Council members to select the members of the Marijuana Advisory Committee. The committee would be made up of six community members and one Council member who would preside over the committee.

MOTION: Holly Johnson moved and Rose Loera seconded the motion to recommend the resolution as amended to the Council for adoption.

VOTE: The motion passed unanimously by voice vote.

i. C19/15, Review Changing Code to Add Employee Can Run for School Board

This will be brought back on the next agenda for more discussion.

6. NEW BUSINESS

Janice Williams noted the items under Unfinished Business, items h and i, should have been located under New Business.

7. PUBLIC COMMENT/COMMITTEE COMMENTS

Rose Loera:

- Will be recommending to the Council to add to the Code Committee's Task List to add a section to the code on who can inspect personnel records.

Holly Johnson:

- Asked what was an inventory tax.

Tax on inventory is a category listed on the personal property assessment return. Inventory remaining at year end is assessed the tax. Additional information will be provided at the next meeting.

8. ADJOURNMENT

The meeting adjourned at 6:55 p.m.

Chris Maines, Chair

ATTEST:

Janice Williams, City Clerk

Approval Date: _____

DRAFT

1. CALL TO ORDER

The Finance and Budget Committee met on Tuesday, September 22, 2015, in the City Council Chambers, Dillingham, AK. Paul Liedberg, Chair, called the meeting to order at 5:30 p.m.

2. ROLL CALL

Committee Members present:

Paul Liedberg
Tracy Hightower

Mayor Alice Ruby
Curt Armstrong

Rose Loera
Navin Bissram

3. APPROVAL OF MINUTES

- a. Minutes of August 17, 2015

MOTION: Alice Ruby moved and Tracy Hightower seconded the motion to approve the minutes of August 17, 2015.

VOTE: The motion passed unanimously by general consent.

4. APPROVAL OF AGENDA

MOTION: Rose Loera moved and Tracy Hightower seconded the motion to approve the agenda.

VOTE: The motion passed unanimously by general consent.

5. STAFF REPORTS

Navin Bissram reported on the following:

- In the process of billing around 20-30 personal property owners for escaped tax mainly to aircraft owners;
- A number of businesses fail to provide the detail for exempt sales tax required on their sales tax returns and was asking for suggestions for enforcement;
- Audit field work is scheduled from Oct. 19-22; expect the audited financials the beginning of next year, consistent with past years;
- Recommending a full-time high level accountant be added to the finance dept. staff; an existing employee had gone half-time and will continue to work on grant reporting mainly, and other items.

Discussion ensued:

- Review the fine schedule for failure to provide required reporting;
- Could do a better job helping the stores keep track of exempt sales by providing a log;
- Communicate to the businesses the need for people to produce an exemption certificate;

Follow-up:

- Bring back a plan for staffing the finance dept. and related cost.

6. UNFINISHED BUSINESS

- a. Fiscal Policy Development
 - 1) Review Internal Controls (*Placeholder*)

There was nothing to report.

- b. Rate Review
 - 1) Business License

Mayor Ruby noted when the business license was put in place it was to find out who was in business, and was not intended to be a revenue generator. The real revenue was the sales tax.

Follow up:

- How many business licenses have been filed?
- What are other cities assessing?

- 2) Animal Control Fees

Discussion ensued:

- Why cats have their own category and are not included in the category animals;
- Suggest clarifying Euthanasia or request for; or request for suggests there would be a fee just for requesting if no follow through.

MOTION: Alice Ruby moved and Tracy Hightower seconded the motion to approve the proposed rates as presented.

VOTE: The motion passed unanimously by voice vote.

- 3) Motor Vehicle Registration Tax

a) How Much is the City Collecting (Add 20%)

Follow-up:

- Bring back a new table which factors in a 20% increase across the board.

- c. Ambulance Fund – Resolution

Manager Loera reported the Volunteer Fire Dept. Executive Committee recommended keeping the fund at \$700,000 limit, to be used for building improvement and vehicle acquisition, and anything over could be used for needed supplies and equipment.

Discussion ensued:

- Understood the suggestion was to cap the fund and use the excess funds to support the dept. overall, and not just the equipment, however the use of the excess is their choice.

Follow-up:

- Manager to get with fire chief, and if okay with adding overall operations, resolution will indicate as such. (Noted the fire chief provides input during the budget process.)

MOTION: Alice Ruby moved and Tracy Hightower seconded the motion to propose to the Fire Dept. Executive Committee that the funds be capped at \$700,000 and the excess could be used for overall operations.

VOTE: The motion passed unanimously by voice vote.

- d. Clarify School Contribution Allocation in the Resolution Narrative

Follow-up:

- Staff to locate the language that was used in the ordinance when the referendum was passed to allocate a portion of the 6% sales tax to fund the schools; and
- Provide a separate whereas that would reference the percentage of the sales tax that is allocated to school funding.

- e. Tobacco Tax (*Postponed for now*)

- f. Force Filing Update

Manager Loera presented the following for information only, which was currently being vetted through the Code Review Committee:

- goal was to adjust the fees to get people to fill out their property returns;
- working on language to clarify if someone is late with their filing and the city hasn't started the force filing process, they are assessed a late fee of \$50. Once the force filing process starts the person is charged a force filing fee of \$100;
- recommend second year would be a \$250 force file;
- recommend third year would trigger an audit, preferably by a third party; and
- develop a formula to assess the property tax based on the number of days in Dillingham where the plane is registered in Dillingham, but stored outside of Dillingham a portion of the year.

Discussion ensued:

- For a future discussion could review if fishing vessels not stored year round in Dillingham aren't also susceptible to a personal property tax when launched in Dillingham.

Chair Liedberg departed the meeting at 7:03 p.m. Mayor Ruby continued to chair the meeting.

7. NEW BUSINESS

There was no new business.

8. PUBLIC/COMMITTEE COMMENT(S)

There were no public or committee comments.

9. ADJOURNMENT

The meeting adjourned at 7:09 p.m.

Paul Liedberg, Chair

ATTEST:

Janice Williams, City Clerk

DRAFT

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-14

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING CITY-OWNED PROPERTY BE OFFERED FOR SALE

WHEREAS, in 2006-2011 Real Property Tax Foreclosure, 3DI-13-00107 CI, the court issued its judgment of foreclosure and decree on multiple parcels of real property and those properties have not been redeemed; and

WHEREAS, the City became the owner of the properties by operation of law upon the expiration of the redemption period;

WHEREAS, the Court issued Clerk's deeds to the City on July 21, 2015, affirming that the City holds clear title to all the properties on the foreclosure list; and

WHEREAS, the City may sell properties obtained through foreclosure if the properties are not needed for a public purpose; and

WHEREAS, the City has determined that one property obtained in Case no. 3DI-13-00107 CI is needed for a public purpose, and has therefore elected to retain that property; and

WHEREAS, the City Council has determined that the properties listed below are not needed for a public purpose and should be offered for sale at this time on terms consistent with those set forth below; and

WHEREAS, Chapter 5.30 generally and Section 5.30.110 specifically of the Dillingham Municipal Code set forth the requirements and procedures by which the City may dispose of properties acquired by tax foreclosure within five years of acquiring such properties; and

WHEREAS, the City further finds that the properties are largely in a state of disrepair, which is expected to significantly impact the sale price that can be obtained; and

WHEREAS, the City further finds that it is likely the properties collectively will generate higher bid amounts if they are sold as a single unit; and

WHEREAS, selling the properties as a single unit will decrease the amount of public funds that must be expended to sell the properties; and

WHEREAS, the former owner has been informed of the potential sale and of his statutory right to apply for remittal of excess sale proceeds, if any; and

WHEREAS, any persons with a potential claim for a substantial equitable interest in the properties named below or a substantial improvement thereon must submit written notification of their claim of interest to the City Manager within five (5) days of the date this ordinance is introduced;

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

Section 1. This is a non-code ordinance.

Section 2. Property to be Sold. The City Council hereby finds that the following real property is not necessary for a public purpose and should be offered for sale:

Legal Description	Address or Common Description	Former Owner
Fairview L24E	Storage trailer and parcel near southern intersection of Sunny Dr. and Birch Ln.	James Bingman Sr.
Fairview L24C	336 Sunny Dr.	James Bingman Sr.
Fairview L24B	346/348 Sunny Lane	James Bingman Sr.
Fairview L24A	Storage building and parcel at northern intersection of Sunny Dr. and Birch Ln.	James Bingman Sr.
Fairview L23A	322, 336, 342 Fairview Rd.	James Bingman Sr.
Fairview L12D	419 Fairview Rd.	James Bingman Sr.
Fairview L2	Identified as Lot 2C on City tax rolls; the portion of Lot 2 north of 408 Fairview Rd.	James Bingman Sr.
Fairview L2B	408 Fairview Rd.	James Bingman Sr.

Section 3. Method of Sale. The properties identified above shall be offered for sale by sealed bid auction pursuant to terms and conditions required by law and approved by the City Manager. All bids submitted shall be construed as offers to purchase the properties, any or all of which may be rejected by the City. The City shall sell the properties to the bidder for the amount of the offer that represents the highest total price for the properties unless the City determines that accepting another offer or no offer at all is in the City's best interest.

Section 4. Exemptions. To the extent the terms of this ordinance and/or the disposal authorized herein are not consistent with DMC § 5.30.040, if any, the disposal is hereby declared to be exempt from that section.

Section 5. Notice of Claims. Pursuant to DMC § 5.30.110(G), any person or persons claiming a substantial equitable interest in any of the properties identified herein shall present the claim and supporting evidence thereof to the City Manager no later than 5 days after this ordinance is set for a public hearing.

Section 6. Effective Date. This ordinance shall be effective upon adoption.

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

_____.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: October 1, 2015

Attachment to:

Ordinance No. 2015-14 / Resolution No. _____

Subject:

An ordinance of the Dillingham City Council authorizing city-owned property be offered for sale

City Manager: Recommend Approval

Signature: Rose Doera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

-An advertisement for a Public Hearing on Ordinance No. 2015-14 is scheduled to appear in the September 24 edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

Summary Statement:

This ordinance will be scheduled for a public hearing October 1, 2015. It is exempt from the 30-day noticing requirement because DMC 5.30.110 applies to these properties, which specifically exempts this kind of disposal ordinance from DMC 5.30.020 and .030, the latter of which is the 30-day requirement. Normal ordinance rules apply, not the 30-day rule.

Attachment to: 2015-14 / Resolution No. _____
Ordinance No. _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	



NOTICE OF A PUBLIC HEARING
Public Hearing on Ordinance Nos. 2015-14

The City Of Dillingham will hold a **Public Hearing** on Thursday, October 1, 2015, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinance:

- Adopt Ordinance No. 2015-14, An Ordinance of the Dillingham City Council Authorizing City-Owned Property be Offered for Sale

If you have any questions, please contact the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-15

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING DILLINGHAM MUNICIPAL CODE CHAPTER 2.68, PLANNING COMMISSION, SECTION 2.68.130, DUTIES AND FUNCTIONS, AND SECTION 11.08.010, SPEED LIMITS, TO ACT ON REQUESTS FOR EXCEPTIONS TO SPEED LIMITS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Section 2.68.130. Section 2.68.130 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.

Chapter 2.68
PLANNING COMMISSION

2.68.160 Duties and functions.

- A. The planning commission shall prepare and recommend to the city council the following:
1. A comprehensive plan consisting of maps and related texts for the systematic development of the city;
 2. Land use regulations to implement the comprehensive plan;
 3. A subdivision ordinance;
 4. The official map of the city. Said map shall include reference to land use regulations or other applicable restrictions prescribed by the commission; ~~and~~
 5. An annual update of a six-year capital improvement plan;
 6. Modifications to the documents specified in subdivisions 1 through 5 of this subsection; ~~and~~
 7. A review of proposed community structures and facilities for consistency with the comprehensive plan and the capital improvement projects plan; and
 - 8. A request for an exception to a speed limit in a specified area.**
- B. The commission shall publish notice of and hold at least one public hearing before submitting its recommendations under subsection A of this section to the council. Notice shall be published in the same manner as in the case of ordinances.
- C. The planning commission shall:
1. Act as the platting board;
 2. Act upon requests for variances; and
 3. Act upon requests for conditional uses;
 4. Provide other review recommendations and support as requested by the council.

Section 3. Amendment of Section 11.08.010. Section 11.08.010 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.

11.08.010 Speed limits.

A. Speed limits within the city limits shall be twenty-five miles per hour unless otherwise posted or unless set at a lower speed under state traffic provisions adopted by the city under Section 11.04.010.

B. A resident can approach the Planning Commission with a request for an exception to a speed limit in a specified area.

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

BE IT ENACTED by the Dillingham City Council on _____.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: October 1, 2015

Attachment to:

Ordinance No. 2015-15 / Resolution No. _____

Subject:

An ordinance of the Dillingham City Council amending Dillingham Municipal Code Chapter 2.68, Planning Commission, Section 2.68.130, Duties and Functions, and Section 11.08.010, Speed Limits, to Act on Requests for Changes in Speed Limits

City Manager: Recommend Approval

Signature: Rose Doera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

Summary Statement:

This code change has been vetted through the Code Review Committee and the Planning Commission and is being recommended for adoption.

Attachment to: 2015-15 / Resolution No. _____
Ordinance No. _____

Summary Statement continued:

Route to	Department Head	Date
	Finance Director	
X	City Clerk	

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-16

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING SECTION 4.30.080 TO REWORD RESPONSIVE BIDDER TO MATCH WITH THE DEFINITION FOR RESPONSIBLE BIDDER, AND AMEND SECTION 4.30.100 E. TO ADD NOTICE OF INTENT TO AWARD TO THE COMPETITIVE SEALED BID PROCESS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Section 4.30.080, Contracts/purchases of \$5,000 or \$20,000. Section 4.30.080 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened**.

**Chapter 4.30
CONTRACT AND PURCHASE PROCEDURES**

4.30.030 Definitions.

Whenever the following words or terms are used in this section, they shall be construed as follows unless the context clearly indicates otherwise:

A. **Lowest Responsible Bidder.** The successful low bidder shall possess financial ability to complete the contract; integrity, trustworthiness, skill, judgment and ability to perform faithful and conscientious work; experience and necessary facilities and equipment for doing the work, together with other essential factors. The qualifications of the bidder may be determined by but are not limited to the following criteria:

1. Bidder is a manufacturer or regular dealer;
2. Bidder is a bona fide manufacturer's agent or regularly employed on a salary or commission basis by one or more manufacturers of supplies or services being procured;
3. Bidder is a producer of the items under consideration;
4. Bidder is considered responsible and qualified because of:
 - a. Demonstrated judgment and integrity;
 - b. Experience rating on the basis of prior work or activity of a similar nature.

4.30.080 Contracts/purchases of \$5,000 to \$20,000.

Unless otherwise required by law, contracts and purchases estimated by the city manager in writing to be between five thousand and twenty thousand dollars may be made in the open market without competitive sealed bid or public notice, subject to the following:

A. Quotations and Award. Such open market contracts and purchases, whenever possible and practicable, shall be based upon at least three competitive written quotations from interested bidders and shall be awarded to the lowest qualified and ~~responsive~~ **responsible** bidder.

Section 3. Amendment of Section 4.30.100, Competitive sealed bid or proposal procedure. Section 4.30.100 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened**.

4.30.100 Competitive sealed bid or proposal procedure.

E. Award/protest.

1. The city manager or city representative (e.g., engineer or consultant to the city) shall provide a written evaluation of the bids received to the city council. Such evaluation shall take into consideration conformity with the specifications, terms of delivery, and direct response to other factors addressed and conditions imposed on the call for bids. The bid of a bidder who has failed to satisfactorily perform on a previous contract may be rejected. If the city manager reports to the city council that the lowest bidder was not responsible, notice shall be sent to the three apparent low bidders and the report shall be placed on the agenda of the next regularly scheduled council meeting; provided, however, that the bidders shall be allowed at least two weeks' notice of the meeting date.

2. **Notice of intent to award does not constitute a formal award of a contract. The notice of intent to award must include:**

a. **a statement of a bidder's right to protest award, including the time within which the protest must be received, which is five days from the date of the notice; and**

b. **the name of the successful bidder; and**

3. **Unless only one responsive bid is received the notice of intent to award shall be issued to each bidder at least five days before formal award of the contract. If only one responsive bid is received, the contract may proceed as soon as practical after the notice of intent to award is issued.**

(New language is underlined and **emboldened** and deleted language displayed as ~~strikethrough~~.)

4. Any unsuccessful bidder may appear at the council meeting at which a motion for award of contract is to be considered and present testimony to council regarding his/her bid and the city manager's recommendation of award.

5. The city council shall then determine whether it is in the best interest of the public to affirm, reject or modify the city manager's evaluation and recommendation and in so doing, make written findings to support its determination. The written findings shall be based on, but not limited to the definition of "lowest responsible bidder" at Section 4.30.030.

6. Notwithstanding other provisions of this chapter, the city may reject defective or nonresponsive bids; waive any irregularities in any and all bids; reject all bids; negotiate with two or more of lowest bidders, if bid prices are in excess of the money available or authorized, for a reduction in the scope, quality or quantity of the supplies or services; or readvertise for bids with or without making changes in the plans or specifications.

7. The city council shall award a contract under this chapter in the form of a resolution authorizing the city manager to enter into the contract under the terms and conditions as set forth in the bid documents, as established in this chapter and any other conditions as may be deemed necessary to protect the public interest. (Ord. 86-10 § 1, 1986.)

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

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

Alice Ruby, Mayor

[SEAL]

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: October 1, 2015

Attachment to:

Ordinance No. 2015-16 / Resolution No. _____

Subject:

Make a minor correction to DMC Section 4.30.080 to change responsive bidder to be responsible bidder and amend Section 4.30.100 E. to add the notice of intent to award to the competitive bid process

City Manager: Recommend Approval

Signature: Rose Doere

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

Summary Statement:

The city is looking to add a section on notice of intent to award to the section of code regarding the competitive bid process. The city is recommending a five day notice.

This code change is being recommended by the Code Review Committee for adoption by the Council.

AS 36.30.365 Notice of Intent to Award a Contract

At least 10 days before the formal award of a contract that is not for construction, and at least five days before the award of a construction contract, under this chapter, except for a contract awarded under AS 36.30.300 – 36.30.320, the procurement officer shall provide to each bidder of offer or notice of intent to award a contract. The notice must conform to regulations adopted by the commissioner.

Attorney Advisement.

The City is not required to follow either the administrative code or the statute on this point. Having ordinances mirror statutes is worthwhile when there is no good reason to diverge. If ten days is a reasonable choice for Dillingham, copying the state statute makes sense but Dillingham isn't obligated to do so.



Attachment to: 2015-16 / Resolution No. _____
Ordinance No. _____

Summary Statement continued:

Route to	Department Head	Date
	Finance Director	
X	City Clerk	

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-17

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 2.27, CITY CLERK, OF THE DILLINGHAM MUNICIPAL CODE TO ADD RECORDS MANAGER UNDER POWER-DUTIES CONSISTENT WITH ESSENTIAL JOB DUTIES

WHEREAS, Section 2.01.030, Records Retention and Disposal Schedule, directs that the city clerk shall prepare a records retention schedule specifying the records to be retained permanently, destroyed or disposed of routinely in the regular course of public business; and

WHEREAS, the job description for the City Clerk includes supervising the City's official records file maintenance, ensure that documents are recorded and filed properly and oversee the monitoring, archiving and destruction of documents per approved retention schedule.

WHEREAS, the City would be best served by adopting a city-wide records management program and creating a standardized set of rules for records management practices for all departments; and

WHEREAS, it would be in order to designate the City Clerk as Records Manager responsible for developing, implementing, and administering a city-wide records management program;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Section 2.27.020, Powers – Duties. Section 2.27.020 of the Dillingham Municipal Code is hereby amended as follows with new language underlined and **emboldened**.

2.27.020 Powers—Duties.

The city clerk shall:

- A. Give notice of the time and place of council meetings to the council and to the public;
- B. Attend council meetings and keep the journal;
- C. Arrange publication of notices, ordinances, and resolutions;
- D. Maintain and make available for public inspection an indexed file including the municipal ordinances, resolutions, rules, regulations and codes;
- E. Attest deeds and other documents;
- F. Record and certify all actions of the council;
- G. Have the power to administer all oaths required by law;
- H. Be custodian of the city seal and the official records of the city;
- I. **Manage all municipal records and develop retention schedules and procedures for inventory, storage, and destruction of records as necessary.**

- I. J. Give to the proper officials ample notice of the expiration or termination of any term of office and, when necessary, the conditions or requirements of all bonds, franchises, contracts or agreements;
 - J. K. Be the registrar of the city and be responsible for the calling and supervision of all city elections unless otherwise provided by law;
 - K. L. Under supervision of the city manager, be responsible for the preparation, publication, maintenance and distribution of the Dillingham Municipal Code and be responsible for keeping the code current by regular supplementation;
 - L. M. Prepare agendas and agenda packets as required by the governing body;
 - M. N. Assure that the municipality complies with 42 USC 1971 through 1974 (Voting Rights Act of 1965, as amended);
 - N. O. Act as the parliamentary advisor to the city council; and
 - O. P. Perform other duties specified in this title or prescribed by the city manager. (Ord. 77-7 § 2 (part), 1977; Ord. 84-8, 1984; Ord. 86-8 § 1, 1986; Ord. 09-05 § 2, 2009.)
- Sections:

Section 3. Effective Date. This ordinance is effective upon passage.

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

Alice Ruby, Mayor

[SEAL]

ATTEST:

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: October 1, 2015

Attachment to:

Ordinance No. 2015-17 / Resolution No. _____

Subject:

Amend DMC Chapter 2.27, City Clerk, to add records manager under power-duties consistent with essential job duties

City Manager: Recommend Approval

Signature: Rose Doera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

Summary Statement:

Municipal Records Management

In most municipalities, it is usually the clerk's responsibility to develop a records management program designating the city clerk as the records manager with city-wide responsible for the overall program. Amending this duty to the City's code would be consistent with other municipalities and the current job description for the city clerk.

This code change was vetted through the Code Review Committee and is being recommended to the Council for adoption.

Attachment to: 2015-17 / Resolution No. _____
Ordinance No. _____

Summary Statement continued:

Route to	Department Head	Date
	Finance Director	
X	City Clerk	

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-51 (AM)

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ESTABLISHING A MARIJUANA ADVISORY COMMITTEE

WHEREAS, Ballot Measure 2, as adopted by the voters on November 4, 2014, provides for the legalization of the production and sale of marijuana, and was codified at Alaska Statutes 17.38; and

WHEREAS, as a local government, the City of Dillingham will have significant authority to regulate marijuana commerce; and

WHEREAS, maximum public education and citizen input into the development of local regulations is a priority; and

WHEREAS, a Marijuana Advisory Committee will provide the City Council with an avenue to gain citizen recommendations on proposed regulations;

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council establishes a Marijuana Advisory Committee with the following structure and responsibilities:

1. The Committee shall be made up of ~~seven members nominated by the Mayor~~ **six community members and one council member selected by a Nominating Committee comprised of two council members, the manager and the mayor, and** confirmed by the City Council.
2. A member shall be a resident of the City of Dillingham and be a registered voter of the State of Alaska.
3. Members shall be appointed so that an effort is made to represent a cross section of the community.
4. The presiding officer shall be ~~nominated by the Mayor and confirmed by the City Council~~ **the council member selected by the Nominating Committee.**
5. Unless otherwise provided, the Marijuana Advisory Committee shall be appointed and governed by DMC Chapter 2.90.
6. The Committee shall be advisory to the City Council and to the City Manager and provide advice on regulations to be adopted related to commercial production, sale and distribution of marijuana.
7. The Committee is not intended to be a regulatory body and may not obligate the City of Dillingham in any way.
8. The Marijuana Advisory Committee shall remain in existence until March 1, 2016 unless otherwise provided by the City Council.

PASSED and ADOPTED by the Dillingham City Council on _____

Alice Ruby, Mayor

ATTEST:

SEAL:

Janice Williams, City Clerk

City of Dillingham Information Memorandum

Agenda of: October 1, 2015

Attachment to:

Ordinance No. _____ / Resolution No. 2015-51

Subject:

Establishing a Marijuana Advisory Committee

City Manager: Recommend Approval

Signature: Rose Doera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

Summary Statement:

The Code Review Committee was asked to review the proposed Resolution No. 2015-51 at the September 10, 2015 Council meeting. The committee is recommending the Council adopt the amended Resolution No. 2015-51 (AM).

Attachment to:
Ordinance No. _____ / Resolution No. 2015-51

Summary Statement continued:

Route to	Department Head	Date
	Finance Director	
X	City Clerk	

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2015-57

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL FORMALLY APPROVING THE AMBULANCE FUND AND ESTABLISHING CRITERIA FOR THE USE

WHEREAS, the Ambulance Reserve Capital Project Fund (a/k/a Ambulance Replacement Fund) has been in place since sometime in 1991; and

WHEREAS, the intent of the fund, as indicated in the January 3, 1991 minutes, was to use the money received from ambulance services to replace ambulances on a five year basis and to withhold 10% for the cost of paying a third party vendor to process the billing for the ambulance services; and

WHEREAS, there does not appear to have been any formal action taken by the City Council to adopt this fund; and

WHEREAS, the balance in the fund as of June 30, 2014 was \$641,945; and

WHEREAS, it is being recommended to rename the fund the Ambulance Fund; and

WHEREAS, after discussion with the Volunteer Fire Department Executive staff and the Finance and Budget Committee the following criteria was established for the Ambulance Fund:

1. The Ambulance Fund will cap at \$700,000;
2. Ten percent will be reserved for hiring a third party vendor to bill for services rendered;
3. The Ambulance Fund, up to the \$700,000 cap, will be used for stipends for the volunteers, equipment acquisition and Fire Department building improvements; and
4. The amount in the Ambulance fund, above the \$700,000 cap, will be used for supporting the Fire Department operations.

NOW, THEREFORE, BE IT RESOLVED that the Dillingham City Council formally adopts the Ambulance Fund, sets a cap of \$700,000 to be used for billing for services rendered, volunteer stipends, equipment acquisition, and Fire Department building improvements;

BE IT FURTHER RESOLVED that the Dillingham City Council authorizes the use of the Ambulance Fund, as identified through the budget process, for Fire Department operations when the fund balance exceeds \$700,000.

PASSED and ADOPTED by the Dillingham City Council on October 1, 2015.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Janice Williams, City Clerk

Attachment to:

Ordinance No. _____ / Resolution No. 2015-57

Subject:

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL FORMALLY APPROVING THE AMBULANCE FUND AND ESTABLISHING CRITERIA FOR THE USE

City Manager: Recommend Approval

Signature: *Jimmie Williams for Rose Lora*

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

- June 6, 1990 Summary from Bob King regarding Ambulance Charge Implementation
- Excerpt from the Minutes of December 6, 1990
- Excerpt from the Minutes of January 3, 1991

Summary Statement:

The Ambulance Fund has been in existence since 1991, when the City first started billing for ambulance services, but was never formally adopted as an enterprise fund. It was originally named Ambulance Reserve Capital Project Fund and will now be renamed to Ambulance Fund. The City has a summary prepared by Bob King, dated June 6, 1990 on justifying establishing the fund and minutes proposing the fund to the City Council dated 1/3/91. The criteria that was established in the minutes was to replace ambulances on a 5 year basis from the money generated from billing for the services and 10% withheld for billing.

This resolution establishes a cap of \$700,000 on the funds to be used for billing, equipment acquisition, building improvements and volunteer stipends. Any additional funds above the \$700,000 cap will be used for Fire Department operations which will be identified by the Fire Department during the budget process.

The criteria recommended for the use of the fund was reviewed by the Finance and Budget Committee and is being recommended for adoption by the City Council.

Attachment to:
Ordinance No. _____ / Resolution No. 2015-57 _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	Fire Coordinator	
X	City Clerk	

DILLINGHAM VOLUNTEER FIRE DEPARTMENT AND RESCUE SQUAD
AMBULANCE CHARGE IMPLEMENTATION COMMITTEE
REPORT TO MEMBERS
JUNE 6, 1990

SUMMARY

The Ambulance Charge Implementation Committee recommends that the Dillingham Volunteer Fire Department and Rescue Squad start charging for its ambulance service at a rate of \$150 per patient beginning with the new fiscal year, July 1, 1990. The committee also recommends that the Rescue Squad enter into an agreement with the Bristol Bay Area Health Corporation for billing for services and all receipts be deposited in an interest bearing account managed by the City of Dillingham. Funds would be used only for the periodic replacement of the ambulance. An appropriate policy for the waiving of charges should be established and the Department should commit itself to the long term monitoring and re-evaluation of this fee structure.

BACKGROUND

The Ambulance Charge Implementation Committee was organized to follow up on the recommendations of the Green Ribbon Task Force. That Task Force last year recommended that the Squad start charging for its services and place the funds in an account for continuing capital needs, specifically - periodic replacement of the ambulance.

The Ambulance Charge Implementation Committee was asked to recommend specific steps to put these recommendations into action.

To do this, the Committee held several meetings over the past month in which it collected information and opinions on the subject. The following report summarizes the Committee's findings and recommendations.

REAL COSTS OF SERVICE

The real costs of the Dillingham Volunteer Rescue Squad are difficult to estimate since funds are combined with those of the Fire Department. A good estimate, however, is about \$33,000 per year.

This figure was calculated as a third of the Department's personnel costs, one quarter of the contractual and commodity expenses plus any capital outlay designated for EMS.

For FY 1988, the year for which the best information is available, the cost was calculated at \$32,931.26.

The figures for FY 89 and 90 are somewhat less reliable since capital outlay was not specified, but assuming a level of capital spending similar to 1988, the estimated actual costs were \$31,670.15 and \$32,523.12, respectively.

Additionally, if we are to amortize a \$100,000 ambulance over five years this would require an additional \$20,000 per year, for an average annual expense of about \$53,000 per year.

The Dillingham Rescue Squad responds at approximately 250 calls per year (225 in 1988 and 289 in 1989) which would put the actual costs per call at about \$200.

The actual costs per patient would be somewhat higher since the total number of calls includes a number of non-patient responses such as false alarms, fire stand-bys and the like.

A breakdown of the types of calls for a recent year is included as an appendix to this report.

PROPOSED CHARGES

The Ambulance Charge Implementation Committee recommends a charge of \$150 per patient.

The Committee recommends that a flat charge be charged to all calls, regardless of whether ALS or BLS service was provided, or regardless of such incidental costs as bandages, etc.

It is noted that only a few calls per year can be classified as ALS service. Charging for materials would not only complicate accounting, but the BBAHC, which already provides many of these supplies to us, currently bills the patient for them.

A \$150 charge would be somewhat less than the actual estimated cost per call but the fee at this time is intended to pay to continuing long term capital needs, not the entire service.

Such a fee would be in line with fees charged by other ambulance services in the State. Bethel and Petersburg also charge \$150 per ambulance call. Charges of other ambulance services varied greatly, from \$50 in the Bristol Bay Borough to \$200 in Anchorage. As the Green Ribbon Committee noted in its report, private ambulance services often charge considerably more.

This fee should periodically be re-evaluated by the Rescue Squad and adjusted if necessary.

BILLING AND COLLECTION

There are two basic options for billing for Rescue Squad services. We could either do it ourselves or contract the work out.

There seemed little interest within the department or on the Ambulance Charge Implementation Committee for having our volunteers handle the billing.

Outside the department, there are several options for billing. We could contract the work to a private individual, outside ambulance service, the City or local health corporation.

Of these options, the Ambulance Charge Implementation Committee recommends that contracting with the Bristol Bay Area Health Corporation (BBAHC) would be the best alternative.

The BBAHC offers an established billing system, low overhead cost (\$10-15 per call), and is experienced in dealing with the various insurance agencies and the Indian Health Service.

The BBAHC has agreed to set up a billing system which would be essentially separate but parallel to their own. The BBAHC would prepare a separate bill for the Rescue Squad service which would be included in the same envelope as the BBAHC bill. The BBAHC would absorb any set-up costs for implementing such a billing system.

The proposed BBAHC billing system would allow the Squad flexibility in such things as a waiver policy and would not conflict with any pre-existing agreements regarding miscellaneous supplies.

The proposed billing system should not impose any additional paperwork requirements on ambulance crews in most cases. Squad run sheets would be adequate for billing purposes for the time being. It may, however, be necessary in the future for ambulance crews to provide additional information, such as a patient registration form, in certain cases such as when a patient is immediately med-evaced to Anchorage. There should be few of these cases overall, however.

The BBAHC will later reimburse funds that have been collected from patients, less their administrative fee, to the Squad on a regular (monthly or quarterly) basis.

IHS BENEFICIARIES

Approximately 75 percent of the patients served by the Dillingham Rescue Squad are IHS beneficiaries. Locally, health care is provided them by the BBAHC, which receives funding from IHS.

The BBAHC, however, has not received funds for ambulance service from the IHS and does not have other funds available to pay for this service at this time. Any bills for ambulance service sent directly to IHS are likely to be passed back to the BBAHC.

The BBAHC will request additional funding for this service in their future funding requests, but given budgetary constraints, it may be some time before this service provided IHS beneficiaries is fully funded.

The Squad should be prepared to support the BBAHC in its funding requests with letters to the IHS and Alaska's Congressional delegation.

In the meantime, the Rescue Squad could still collect from non-beneficiaries and insured beneficiaries, which would be approximately 40 to 50 percent of our patients. Approximately 25 percent of IHS beneficiaries have other insurance (Medicare, Medicaid, group plans, etc.)

WAIVER POLICY

The waiving of charges for certain persons is a common practice in many ambulance services. The Ambulance Charge Implementation Committee recommends that the Dillingham Rescue Squad waive any non-insured costs for the following groups:

- 1) Seniors who are medicare or medicaid eligible
- 2) Fatality - instances in which death results from the reason (heart attack, shooting, accident, etc.) for which the ambulance was summoned.
- 3) Active members and their immediate families - defined as the member's spouse and children (up to age 18) or up to two individuals designated in advance.
- 4) Former members with ten or more years active service in DVFD/DRS.

5) economic hardship cases as determined on an individual basis.

FUNDS RECEIVED

The Ambulance Charge Implementation Committee recommends that all funds received for ambulance service be placed in an interest bearing account managed by the City of Dillingham specified as the RESCUE SQUAD AMBULANCE ACCOUNT. Funds in this account would be specifically designated for the periodic funding of a new ambulance. Expenditure of these funds would only be allowed through resolution of the DVFD/RS.

The Ambulance account should be audited by the City of Dillingham as other similar accounts are managed. Additionally, the DVFD/RS treasurer should assume the responsibility of regularly monitoring the billing and collection of these funds by the BBAHC. The treasurer should also monitor the City ambulance account and report at regular (quarterly) intervals to a joint meeting of the DVFD/RS.

The Committee discussed at length whether the Rescue Squad should be allowed to spend any funds in excess of the ambulance repurchasing needs for such things and other EMS capital or training needs or even fire department capital needs.

Committee members, however, had a sharply mixed reaction to the suggestion. All were able to agree that given the uncertainty of the amount of funds that will be received, there should be no provision for spending any surplus money at this time. This recommendation, too, could be re-evaluated at a later date.

IMPLEMENTATION

The Ambulance Charge Implementation Committee requests that DVFD/RS adopt these recommendations by resolution and notify officials of the BBAHC and City of Dillingham. After their consideration and possible modification, the fee system should be put into effect beginning with the new fiscal year.

Prior to that time, a press conference should be held with the local newspapers to discuss the proposed fee structure and our reasons for implementing it.

RESPONSIBILITIES

During the meetings of the Ambulance Charge Implementation Committee, the discussion often centered on certain matters that were not limited to the mechanics of implementing a billing system. Several of these points, such as the need for accurate and complete run sheets, are not meant to imply that there are problems within the existing service. Rather, this step is taken as a sign of our service "growing up," and the Squad's need for even stricter quality control.

If you get what you pay for, it is easy to be tolerant of the shortcomings of a free service. As a paid service, the Rescue Squad assumes new responsibilities to make sure that our patients are getting their money's worth.

1) Patient Care - Nothing in this proposed fee structure is meant to imply that service should be provided on the basis of ability to pay. Receiving funds for our service should improve the quality of our care by providing us with equipment but that care should be provided, as it has in the past, to all those in need, regardless of their ability to pay.

2) Consumer care - As a paid service, the patient is also a consumer and has a right to demand the best service for his or her money. The Squad should be prepared to redouble its efforts to keep the ambulance clean, re-stocked and ready for all emergencies. Likewise, the ambulance should be fully staffed for all calls. Volunteers should take their responsibilities when "on call" seriously and, without exception, be ready to drop whatever they're doing when paged.

3) All Run sheets must be accurate and complete.

4) Non-emergency calls - Based on the experiences of other departments that have implemented a charge system, a fee structure is not likely to reduce the number of nuisance or false alarm calls. It may, however, create a demand for certain non-emergency services (i.e. patient transfers) which people may expect if they are willing to pay for it.

5) Auditing and Control - when dealing with large enough sums to eventually purchase an ambulance, the Squad will have to maintain strict accounting and control over the money to prevent any misappropriation.

6) Monitoring - it should be the responsibility of the Fire Department and Rescue Squad Executive Committee to periodically monitor this fee structure and its many components and implement changes and adjustments when necessary. Close attention should be given to fine tuning the billing system as it is implemented.

CHAIRMAN'S NOTE

As Chairman of the Ambulance Charge Implementation Committee, I would like to personally thank the hard work of all the other members - Susan Terry, Alice Ruby, Jeanette McArthur and Jann Widmayer. Despite the time constraints for completion of our work, the committee members kept their focus and was able to get quite a bit accomplished in a short time. There was a good, open discussion throughout our weekly meetings. It was a pleasure working with the other committee members.

Bob King
Dillingham, Alaska
June 6, 1990

Day Care

Lyle reported the letter in the packet was self explanatory, concern was expressed at no problem of advancing the money but the city should set up something to make sure the expenses are allowable. Lyle explained the expenses would be approved before the money is requested from the city. Tom Tilden moved to approve the Day Care request for advance payment, Bruce Baltar seconded, the floor was open for discussion, there were no comments received, the MOTION CARRIED by unanimous Roll Call vote.

Borough Formation

Question if DCRA said they would come out and make a presentation, Lyle reported they would if the council wanted them to. Some discussion, it was expressed John Pearson requested this so move to next agenda when he is here.

Capital Projects

Lyle explained the capital projects list that was discussed prior to the meeting by the OEDP Committee, the list was on the board. Tom Tilden moved to approve the capital project list and format, Curt Armstrong seconded, the floor was open for discussion. Concern was expressed over the format, it was explained the format is set up for the purpose of whatever pots of money that might be available these projects might better fit into. There were no other comments received, the MOTION CARRIED by unanimous Roll Call vote.

Ambulance Charges

Lyle explained the volunteers have developed a system for receiving monies from the ambulance service provided, and now they want to do their own deposits and have control of the money. Discussion, concern expressed that this is not the same as previously discussed when the ambulance charges was approved. Place this item on the next agenda and have someone here to further discuss.

Fire Dept.

Lyle explained the fire department will be celebrating its forty third year and with the new fire hall being finished they would like

the Task Force that was set up at the first meeting on borough information.

Ambulance Charge

Lance Nunn thanked the people from the city who attended the fire department open house and dinner. He then turned over the ambulance charge report to Malcolm Wright. Malcolm went through a brief run-down over what had taken place to begin the ambulance charge to help replace ambulances. They had talked with Kananak in doing the billing for them and they were receptive in the beginning but since say they cannot do it and won't give an answer until March. The fire department then took it upon themselves in doing the billing and has sent out about 80 bills. IHS has said they would not pay for ambulance charges for their beneficiaries because it is not a budgeted item. It was explained that this group may try going directly to the area IHS and may have more success in being paid for beneficiary transport. Lyle brought up the reason for this being placed on the agenda was because it was questioned who would be the signers on this account and how would the money be managed. It was explained the initial idea was to provide a pool of money to replace ambulances on a 5 year basis, and the money would be held and accounted for with 10% deducted for the service BBAH would provide in doing the billing. With the department doing the billing itself all the money would go into their account, they would look into buying CD's for interest earnings, and the city would be provided with reports to show the activity of this account.

Liquor License
Bristol Inn

There was no action taken with this item.

NEW BUSINESS

Chamber of Commerce
Manager

It was explained this was for the 1990 permit which showed Jeff Haglund as the Manager for the Chamber of Commerce, Leon Kiana is now

Bristol Bay Campus  **UNIVERSITY OF ALASKA FAIRBANKS**

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9/21/15

Janice Williams, City Clerk
City of Dillingham
PO Box 889
Dillingham, AK 99576
cityclerk@dillinghamak.us

Hi Janice,

Sarah Andrew, our current Dillingham Library Board member has gotten quite busy with her other duties and would like to step down at this time. Sarah talked with Sandra Long, our Front Office Supervisor about the possibility of taking on this role.

Sandra is interested and I support this recommendation. I would like to nominate Sandra Long to represent the Bristol Bay Campus on the Dillingham Library Board. Sandra began working for the Bristol Bay Campus in 2013 and is looking forward to serving on the Library Board.

Sincerely,



Deborah McLean, Ed.D.
Director, Bristol Bay Campus
University of Alaska Fairbanks