

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2017-15

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL SUPPORTING PASSAGE OF SB 100 AUTHORIZING MUNICIPAL LIENS

WHEREAS, in 1998, in an effort to discredit unauthorized common law liens recorded against public servants when those individuals disagreed with government action, the legislature passed legislation unintentionally rendering municipal liens unenforceable while preserving the enforceability of state law liens; and

WHEREAS, the ability to provide for the creation, recording, and enforcement of liens has historically been an effective tool used by municipalities to recover unpaid costs incurred by the municipality in providing services such as public nuisance abatement and public utilities; and

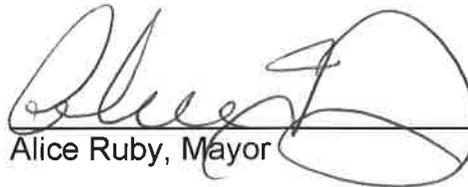
WHEREAS, in 2012, the Alaska Supreme Court, in *Cutler v. Kodiak Island Borough*, 290 P.3d 415 (Alaska 2012), held that as liens solely based on municipal law were not recognized as an exception to the definition of nonconsensual liens embodied in AS 09.45.169(2), liens provided for solely by municipal code were unenforceable; and

WHEREAS, SB 100 would return to municipalities the ability to use liens to secure payment for services rendered and costs incurred in addressing public nuisances and in providing utility services by giving liens arising solely under municipal law the same authority state and federal law liens hold under AS 09.45.169(2);

NOW, THEREFORE, BE IT RESOLVED that the City of Dillingham fully supports the passage of SB 100 or similar legislation which authorizes a local government to provide for the creating and recording of municipal liens by ordinance.

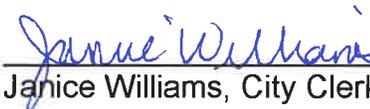
PASSED and ADOPTED by the Dillingham City Council on April 13, 2017.

SEAL:



Alice Ruby, Mayor

ATTEST:



Janice Williams, City Clerk