



CITY COUNCIL REGULAR MEETING

Thursday, April 07, 2022 at 7:00 PM

AGENDA

In compliance with the Americans with Disabilities Act, individuals needing special accommodations / during this meeting should notify the City of Dillingham at 907-842-5212 at least three working days before the meeting.

MEETING INFORMATION

CITY COUNCIL REGULAR MEETING CITY HALL COUNCIL CHAMBERS / 7:00 p.m.

Limited Seating Available

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

This meeting will also be available at the following online location:

<https://us02web.zoom.us/j/86924308202?pwd=MW5WTW1NbnR3Qks0ZF15ZTVXcUkrQT09>

Meeting ID: 869 2430 8202; participant #, passcode: 704152

Or dial (346) 248-7799, or (669) 900-6833

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Minutes of February 10, 2022; Regular Council Meeting
2. Minutes of March 3, 2022; Regular Council Meeting
3. Minutes of March 5, 2022; Special Council Meeting

APPROVAL OF CONSENT AGENDA

4. Adopt Resolution 2022-11; A Resolution of the Dillingham City Council Expressing Thanks and Commendation to Gina Carpenter

APPROVAL OF AGENDA

STAFF REPORTS

5. City Manager and Staff Reports

PUBLIC HEARINGS

6. Ordinance 2022-03; An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code to Adopt an Excise Tax on Importation of Marijuana

CITIZEN'S COMMENTS (Prior Notice or Agenda Items)

ORDINANCES AND RESOLUTIONS

7. Adopt Ordinance 2022-03; An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code to Adopt an Excise Tax on Importation of Marijuana
8. Adopt Resolution 2022-12; A Resolution Of The Dillingham City Council In Support Of Alaska State House Bill 272 (HB-272), Which Would Increase The Base Student Allocation (BSA) In The Foundation Formula For FY23 And FY24
9. Adopt Resolution 2022-13; A Resolution Of The Dillingham City Council In Support Of Alaska State House Bill 273 (HB-273), Which Would Link The Base Student Allocation (BSA) Directly To The Consumer Price Index For Urban Alaska
10. Adopt Resolution 2022-14; A Resolution Of The Dillingham City Council In Support Of Alaska State House Bill 350 (HB-350), Which Would End The Current School Bond Debt Moratorium On July 1, 2022 And Increase The Amount Of Reimbursable School Bond Debt
11. Adopt Resolution 2022-15; A Resolution Of The Dillingham City Council Committing \$500,000 In Matching Funds To Priorities and Capital Projects Identified In The City Of Dillingham Waterfront Strategic Plan

UNFINISHED BUSINESS

Citizen Committee Appointments

- Library Advisory Board, one seat
- Senior Advisory Commission, four seats.
- Friends of the Landfill, one seat.
- Port Advisory Committee, three seats.
- Planning Commission, two seats.

12. Letter of Interest: Senior Advisory Committee, Library Advisory Board, and Friends of the Landfill

NEW BUSINESS

13. Nerka Subdivision Street, Drainage and Utility Improvements Presentation
14. Additional Meetings Schedule
 - Budget Meeting / Workshop
 - Special Council Meeting
 - Board Of Equalization
15. Adopt Action Memorandum 2022-02; Authorize the City Manager to collaborate with Nushagak Cooperative for a Community Cleanup, May 19 - 21, 2022

CITIZEN'S DISCUSSION (Open to the Public)

COUNCIL COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT

Minutes



CITY COUNCIL REGULAR MEETING

Thursday, February 10, 2022 at 7:00 PM

MINUTES

CALL TO ORDER

A regular meeting of the Dillingham City Council was held on Thursday, February 10, 2022, at the Dillingham City Council Chambers and via video conferencing, in Dillingham, Alaska. Mayor Ruby called the meeting to order at 7:06 p.m.

ROLL CALL

Mayor Ruby was present.

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

Aksel Buholm	Perry Abrams	Chris Napoli
Michael Bennett	Kaleb Westfall	

Council members absent:

Curt Armstrong

APPROVAL OF MINUTES

1. Minutes of January 6, 2022, Regular Council Meeting
2. Minutes of January 25, 2022, Special Council Meeting

MOTION: Aksel Buholm moved and Kaleb Westfall seconded the motion to approve the January 6, 2022, regular council minutes, and January 25, 2022 special council minutes in block.

VOTING Yea: Council Member Buholm, Council Member Napoli, Council Member Abrams, Council Member Westfall, Council Member Bennett

APPROVAL OF CONSENT AGENDA

3. Adopt Resolution 2022-04; A Resolution Of The Dillingham City Council Amending The Bank Signature Card And Investment Accounts Signature Authority Forms Due To A Change In Council Members

MOTION: Kaleb Westfall moved and Perry Abrams seconded the motion to approve the consent agenda.

VOTING Yea: Council Member Buholm, Council Member Napoli, Council Member Abrams, Council Member Westfall, Council Member Bennett

APPROVAL OF AGENDA

MOTION to amend and approve the agenda made by Kaleb Westfall, seconded by Michael Bennett. Add item 10 under New Business; Discussion of Removal of COVID Mitigation and Emergency Authorized Measures

VOTING Yea: Council Member Buholm, Council Member Napoli, Council Member Abrams, Council Member Westfall, Council Member Bennett

STAFF REPORTS

4. Department Reports

- Submission on the State of Alaska CAPSIS system for city projects is underway.
- 2.7 million dollar grant for lost revenue has been awarded.
- Public Safety is short staffed due to COVID. Police presence will be maintained.
- Heavy equipment issues continue to be a challenge for Public Works.
- Agent Pullon was noted for his assistance in a recent public safety incident.

5. Committee Reports

Code Review Committee

- To do list reviewed.
- Dillingham Liquor Store, and Bristol Bay Bud license renewals reviewed. Recommendation for both; City to waive their right to protest.

Finance & Budget Committee

- Draft ordinance for marijuana tax, and fish processor tax being developed.
- Noted difference between sales tax and excise tax; voter approval and council control.

PUBLIC HEARINGS

There was no public hearing.

CITIZEN'S COMMENTS (Prior Notice or Agenda Items)

There were no citizen comments.

ORDINANCES AND RESOLUTIONS

6. Adopt Resolution 2022-05; A Resolution Of The Dillingham City Council Waiving Section 3.95 Of The City's Personnel Regulations To Authorize Hiring Patty Buholm As The Planning Director With The City Of Dillingham While Her Husband, Aksel Buholm, Serves On The City Council

MOTION: to adopt Resolution 2022-05 made by Kaleb Westfall, seconded by Michael Bennett.

- Aksel Buholm noted this resolution has a personal financial impact.
- Remarked Patty knows the community, has good relationship with State and Tribal entities and will be an excellent hire.

VOTING Yea: Council Member Napoli, Council Member Abrams, Council Member Westfall, Council Member Bennett

ABSTAINED: Council Member Buholm

UNFINISHED BUSINESS

Committee Appointments

Code Review Committee

Finance & Budget Committee

Mayor Ruby recommended Michael Bennett to the Code Review Committee and Aksel Buholm to the Finance & Budget Committee.

MOTION: to concur with Mayor Ruby's recommendation made by Michael Bennett, seconded by Perry Abrams.

VOTING Yea: Council Member Buholm, Council Member Napoli, Council Member Abrams, Council Member Westfall, Council Member Bennett

7. Letters of Interest: School Facility Committee, Planning Commission

School Facility Committee, one seat
Senior Advisory Commission, four seats
Friends of the Landfill, one seat
Port Advisory Committee, three seats
Planning Commission, one seat
Library Advisory Board, one seat

Mayor Ruby recommended Erin Ohlson to the School Facility Committee.

MOTION: to concur with Mayor Ruby's recommendation made by Chris Napoli, seconded by Kaleb Westfall.

VOTING Yea: Council Member Buholm, Council Member Napoli, Council Member Abrams, Council Member Westfall, Council Member Bennett

Mayor Ruby recommended Kaleb Westfall be reappointed to the Planning Commission.

MOTION: to concur with Mayor Ruby's recommendation made by Kaleb Westfall, seconded by Perry Abrams.

VOTING Yea: Council Member Buholm, Council Member Napoli, Council Member Abrams, Council Member Westfall, Council Member Bennett

NEW BUSINESS

8. Dillingham Liquor Store License Renewal Application

MOTION: to waive the City's right protest to made by Chris Napoli, Seconded by Kaleb Westfall.

- The State of Alaska license renewal process and right to protest was reviewed.

VOTING Yea: Council Member Buholm, Council Member Napoli, Council Member Abrams, Council Member Westfall, Council Member Bennett

9. Strategic Planning Update

- Bill Dann with Professional Growth Systems will be in Dillingham for strategic planning March 4th and 5th.
- Session 1 will prioritize council objectives / projects.
- Session 2 will assign projects and outline task / assignments.
- Preparatory work will be emailed prior to work sessions.
- A third session will be scheduled for department priorities.

10. Discussion of Removal of COVID Mitigation and Emergency Authorized Measures

- Ordinance 2020-22(S) expires March 4, 2022. Allows City Manager ability to respond to changing circumstances timely with Emergency Orders. Council maintains authority, and can amend at any time.
- Need to determine what moving forward will look like.
- Add COVID as an item on the March agenda.
- Clarify if previous legislation needs to be repealed.
- Noted need to work together and have open discussions.
- CDC language currently vague, and subject to different interpretations.
- Interim Manager noted local case count highest since his arrival.

- Citizens on both sides of the issue continue to feel very strongly.
- Need for businesses to conduct business in a safe, efficient, and effective way.
- Local health care providers continue to urge safety protocols; masks, hygiene, and distancing.

CITIZEN’S COMMENTS (Open to the Public)

There were no citizen comments.

COUNCIL COMMENTS

Kaleb Westfall:

- Requested regarding a School Board / City Council joint meeting.
- Inquired if there are any shovel ready projects.
- Thanked the Officer who put in extra time and deescalated a situation.

Perry Abrams:

- Noted the Public Works Direction position is critical to fill.

Aksel Buholm:

- Inquired about the status of the City owned real property list he requested.

MAYOR’S COMMENTS

- Stated a joint SB / CC meeting is being planned for March 24, 2022.
- Thanked Interim Manager Mark Lynch, noting appreciation for his help.
- Commented an RFP for a grant writer is being worked on.
- A moment of silence was observed for those lost since the last meeting.

ADJOURNMENT

Mayor Ruby adjourned the meeting at 8:35 p.m.

Mayor Alice Ruby

[SEAL]

ATTEST:

Lori Goodell, City Clerk

Approval Date: _____



CITY COUNCIL REGULAR MEETING

Thursday, March 03, 2022 at 7:30 PM

MINUTES

CALL TO ORDER

The Dillingham City Council met for a workshop on COVID-19 from 5:30 – 6:30, and a workshop on the Capital Improvements List from 6:30 – 7:30. A regular meeting of the Dillingham City Council was then convened on Thursday, March 3, 2022, 7:30 p.m. at the Dillingham City Council Chambers and via video conferencing, in Dillingham, Alaska. Mayor Ruby called the meeting to order at 7:40 p.m.

ROLL CALL

Mayor Ruby was present.

Council members present:

Aksel Buholm Curt Armstrong Chris Napoli

Council members unexcused:

Kaleb Westfall Perry Abrams Michael Bennett

A quorum was not established, a quorum being four. The meeting was adjourned and a workshop was held to allow citizens an opportunity to address council members who remained in attendance.

ADJOURNMENT

Mayor Ruby adjourned the workshop at 8:09 p.m.

Mayor Alice Ruby

[SEAL]

ATTEST:

Lori Goodell, City Clerk

Approval Date: _____



CITY COUNCIL SPECIAL MEETING

Saturday, March 05, 2022 at 9:00 AM

MINUTES

CALL TO ORDER

A special meeting of the Dillingham City Council was held on Saturday, March 5, 2022, at the Dillingham City Council Chambers and via video conferencing, in Dillingham, Alaska. Mayor Ruby called the meeting to order at 9:00 a.m.

ROLL CALL

Mayor Ruby was present.

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

Aksel Buholm

Curt Armstrong

Chris Napoli

Perry Abrams

Kaleb Westfall

Michael Bennett

APPROVAL OF AGENDA

MOTION to approve the agenda made by Perry Abrams, seconded by Chris Napoli.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Buholm, Council Member Westfall, Council Member Bennett

CITIZEN'S DISCUSSION (Prior Notice or Agenda Items)

Richard O'Connor: Spoke in opposition of the fish tax ordinance. Stating more work/research should be done.

SPECIAL BUSINESS

1. Adopt **Resolution 2022-07**; A Resolution of the Dillingham City Council Amending the Bank Signature Card and Investment Signature Authority Forms Due to a Change in City Staff

MOTION to adopt Resolution 2022-07 made by Kaleb Westfall, seconded by Perry Abrams.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Buholm, Council Member Westfall, Council Member Bennett

2. Adopt **Resolution 2022-08**; A Resolution of the Dillingham City Council Approving a FY2023 Capital Improvement Plan and the FY2023 Legislative Priorities List

MOTION to adopt Resolution 2022-08 made by Kaleb Westfall, seconded by Michael Bennett.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Buholm, Council Member Westfall, Council Member Bennett

3. Introduce **Ordinance 2022-03**; An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code to Adopt an Excise Tax on Importation of Marijuana

MOTION to introduce Ordinance 2022-03 made by Chris Napoli, seconded by Kaleb Westfall.

- City currently receives taxation at 6%
- Local business owners recommended city increase the tax rate.

- Both local establishments were contacted.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Buholm, Council Member Westfall, Council Member Bennett

4. Introduce **Ordinance 2022-04**; An Ordinance of the Dillingham City Council Amending Title 4 of the Dillingham Municipal Code Levying an Excise Tax on Seafood Products Imported for Processing in Dillingham

MOTION to Introduce Ordinance 2022-04 made by Aksel Buholm, seconded by Kaleb Westfall.

- Finance & Budget Committee forwarded to council.
- Desire is to adopt something similar to the Bristol Bay Borough processing tax.
- Proposes an excise tax per pound of product processed rather than a percentage of the price paid by the processor.

MOTION to refer Ordinance 2022-04 back to the Finance & Budget committee made by Perry Abrams, seconded by Aksel Buholm.

- Need to get processors and community more involved.
- Need to educate processors and community about need for revenue
- City of Dillingham financial situation warrants the need to do something.
- Difficult to obtain data on actual poundage processed within city limits, anecdotal reports are that Peter Pan processed 22 million pounds of fish in 2021.
- Don't want to drive business away.

VOTING Yea: Council Member Armstrong, Council Member Abrams, Council Member Buholm, Council Member Westfall, Council Member Bennett

VOTING No: Council Member Napoli

COUNCIL COMMENTS

Curt Armstrong:

- Expressed disappointment in those who have shown blatant disregard for the E.O. in place and those who worked hard to put it in place.
- Noted that council members who chose to stay for the March 3rd meeting, listened in a workshop format to hear from the citizens who came in person and who attended by zoom.
- Commented the notion of we the people and transparency were not adhered to at the March 3rd meeting.

Aksel Buholm:

- Noted the need to update status of Public Safety job description wording to allow for flexibility in filling positions.
- Requested legal description of all city real property.

MOTION to request staff prepare a list of all city raw and vacant property owned by the City of Dillingham including 14c designated land made by Aksel Buholm, seconded by Chris Napoli.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Buholm, Council Member Westfall, Council Member Bennett

- The request for a special meeting was made while the City Clerk was on leave. The Mayor and Finance Director were both serving as jurors. PTO was sacrificed to get the meeting together.

MOTION that Lori Goodell get three days added back to her PTO time and it comes out of the council budget made by Aksel Buholm, seconded by Kaleb Westfall.

VOTING Yea: Council Member Napoli, Council Member Armstrong, Council Member Abrams, Council Member Buholm, Council Member Westfall, Council Member Bennett

- Stated there were times as a council member he did not want to hear or do something, but he did listen and did his job. Noted many citizens have approached him regarding what happened at the March 3rd meeting. Commented the meeting was shut down, the voice was taken away from the people (one of the first things a communist does) rather than standing up for freedom. Conveyed disappointment in what happened, stated all have egg on our faces. Affirmed he takes being a council member serious, noting the processes available for council to give direction. Noting what happened was not right and nothing was accomplished.

Chris Napoli:

- Thanked Bill Dann, Chris Hladick, and staff for making the strategic planning session happen.
- Noted the diverse group and recognized that first and foremost this job is done for citizen of Dillingham and being committed to the community. Stated it is a thankless job done without any financial reward.
- Noted appreciated for all who came in on the weekend and gave time and effort.
- Echoed Aksel Buholm's comments. Adding the importance to realize the legal obligation to attend meetings and not walk out.

Perry Abrams:

- Stated he is dedicated to the job 110%.
- Conveyed frustration regarding COVID and the restrictions imposed over the last two years.
- Acknowledged the need to get past COVID restrictions and onto issues the city really needs to address.
- Apologized, stating there was not an intent to embarrass anyone.
- Noted the responsibilities of being a Council Member started to change him, and he felt like he needed to get back in control.
- Stated he was passionate for the COVID items to not pass. Commented that he recognizes differing positions of other members.
- Commented it wounded him to not attend the last meeting. Noting it was one of the hardest things he has done in many years. Stated he is reenergized / rededicated to the Council and the City of Dillingham, and wants what is best for the people.

Michael Bennett:

- Agreed with Perry's comments.
- Thanked staff, Bill, Chris, Robert and Alice. Noting all donate time to try and better the future of Dillingham.
- Noted the need for Council to come together, find solutions, and common ground.

Kaleb Westfall:

- Noted the amazing work being done during strategic planning sessions.
- Stated he wants what is best for the people of Dillingham. Council needs to find goals that all people can benefit from, not an agenda from either side of the isle or specific ideologies.
- Looking back at the last few years: several petitions were submitted with approximately 200 signatures concerning not passing Communist legislation, or legislation that takes Americans right to choose away.
- The Oath taken by Council Members is to uphold the United States Constitution, and State of Alaska Constitution, and that is how decisions should be made, not on emotions, but rather doing the peoples will.
- Expressed a desire to reach across to each other and discuss what worked, and what did not work.

- Stated it was disingenuous to the people; the Feb 10th meeting talked about repealing E.O.'s and COVID legislation. The next agenda had the exact opposite. Noted receiving many comments from the public wanting clarification regarding what was going on.
- Commented that our future is our children, and COVID restrictions have set them back.
- Noted the importance of open discussion, having a difference of opinion, and still work in good faith to find what is best for the community. He did not believe that happened last week.
- Reported that to date, no one on Council has contacted him to see why he left the March 3rd meeting. Stated no one has reached out to him to ascertain if we should continue COVID rules, or have it on the agenda.
- Stated he is on the record of being in favor of transparency, and moving forward together to do peoples work.
- Maintains we can have a difference of opinion, and still respect all council members. Stated a quorum didn't happen because he did not believe he could have that conversation. It wouldn't have been genuine, and the peoples will would not have been done. Stated he did not believe the March 3rd agenda was the Council or the peoples will.
- Apologized to everybody who felt disrespected. Noting that was not the intent, and is sorry some felt that way. The intention was to do the peoples will and give everyone their own choice to protect themselves how they see fit.
- Expressed government should not be involved in personal health issues.
- Commented we should remember we are doing the peoples work.

MAYOR'S COMMENTS

- Thanked Interim City Manager Mark Lynch for doing his best; noting a good job was done.
- Welcomed Robert Mawson as the new City Manager.
- Commented the March 3rd meeting was shameful, noting twenty-two people attended electronically, and six to seven attended in person and all expected the council to make decisions or intended to speak to the council.
- Noted it was interesting to hear Mr. Westfall talk about testimony from the March 3rd meeting/workshop though he was not present to hear. Stated many citizens have commented that the council has a responsibility to attend meetings whether pro or con on the agenda issues.
- The expectation was the council would take action as a group, legal advice and advice from medical partners had been obtained regarding COVID.
- Some in attendance at the March 3rd meeting wanted to talk to council about other agenda items; i.e. OBI. A council goal is to create partnerships; how can we expect partnerships be created with a council that is not stable?
- Prior to the March 3rd meeting every council member was called. Communication about the agenda was relayed and Council Members were informed about the items and why they were going to be on it. Every member had an opportunity to request a different approach. The agenda was structured to give council the full spectrum of options; take no action, extend current method in place, or change to a position of recommendations. It was designed for council to take a leadership role in determining the City's COVID response.
- Stated looks forward to looking forward, and working together as a team.
- Commented that it is recognized all council members have responsibilities outside of their role as council members. Meetings are set for specific dates so all members will be able to structure their personal calendar to participate. Meetings happening with short notice can be difficult or make it impossible for all to be in attendance.
- Noted she has been the Mayor for a long time and the City of Dillingham has made a lot of progress.
- Reminder a Joint School Board / City Council meeting is scheduled for March 24th.
- A moment of silence was observed for all those lost since the last meeting.

ADJOURNMENT

Mayor Ruby adjourned the meeting at 10:28 a.m.

Mayor Alice Ruby
[SEAL]

ATTEST:

Lori Goodell, City Clerk

Approval Date: _____

Information

TITLE

Resolution 2022-11; A Resolution Of The Dillingham City Council Expressing Thanks And Commendation To Gina Carpenter

RECOMMENDED ACTION *(Item is located under the consent agenda)*

I move to approve the Consent Agenda.

This action will adopt Resolution 2022-11. If Council wishes to have a discussion of this resolution it would need to be moved under Ordinances and Resolutions (I move to locate Resolution 2022-11 under Ordinances and Resolutions).

SUMMARY OF ISSUE

Alaska Public Health Care Nurse Gina Carpenter has announced her retirement. Gina has been a valuable asset to the City of Dillingham as well as the Bristol Bay Region. She has served the local residents during her time with Indian Health Services and State of Alaska Public Health. Her devotion to the health and well-being of the community has been greatly appreciated.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2022-11

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL EXPRESSING THANKS AND
COMMENDATION TO GINA CARPENTER**

WHEREAS, Gina Carpenter announced her retirement from the position of Public Health Nurse stationed at the Dillingham Public Health Center effective March 21, 2022, and

WHEREAS, Gina Carpenter has been in service to the community and region as a nurse since 1982, when she first moved to Dillingham to work for the Indian Health Service at Kanakanak Hospital, and

WHEREAS, Gina further served the region and community as the State of Alaska Public Health Nurse associated with the Dillingham Public Health Center from 2011 through March of 2022; and

WHEREAS, she served on the State of Alaska Immunization Coalition for many years; and

WHEREAS, her selfless service to the greater community helps us all get through tough times, including the last few years dealing with a global pandemic; and

WHEREAS, she has done an outstanding job representing the Alaska Department of Health and Social Services, to promote and protect the health and well-being of Alaskans in the Bristol Bay Region; and

WHEREAS, because of her positive attitude, work ethic, knowledge, and abilities she has gained the trust and respect of the regional residents, governing organizations and other organizations; and

WHEREAS; due to her talents, professional and people skills, attitude and honesty, she is a true asset to the community and region, our residents, organizations, public officials and employees.

NOW, THEREFORE, BE IT RESOLVED that it is with heartfelt appreciation that the Mayor and City Council offer their sincere thanks to Gina Carpenter for sharing her time and talents with the citizens of Dillingham and the region.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 7, 2022.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Lori Goodell, City Clerk

Department Reports

Mayor
Alice Ruby

City Manager
Robert J. Mawson



Dillingham City Council
Chris Napoli
Michael Bennett
Aksel Buholm
Curt Armstrong
Kaleb Westfall
Perry Abrams

MEMORANDUM

Date: 31 March 2022
To: Honorable Mayor and City Council
From: Robert J Mawson, City Manager
Subject: Monthly Council Report

My first 30-days in Dillingham have passed very quickly. I have enjoyed meeting people and visiting organizations. I have also enjoyed the time I have been able to spend getting to know more about the rich history of the people who settled this area of Alaska and marvel at the strength and resolve it took to establish and maintain the region's villages and communities for many hundreds of years.

Since my arrival, I have been advised of many more challenges than opportunities facing our city, our neighboring villages and the region as a whole. But exploring and pursuing opportunities, rather than focusing on our challenges, is where I hope to spend the majority of my time. By focusing on our opportunities to improve and grow, I believe we can overcome more of these challenges than we can by dwelling on our trials and tribulations.

I have the same hope for our staff and partners. There are not many people in the world who really look forward to facing difficult challenges, but most of the time we learn more from tough experiences than we do from easy ones. When I was contemplating taking this job, one of my concerns was whether the city staff were up to chasing opportunities, when to day-to-day demands seem so great. It hasn't take me long to see that there are many talented and dedicated people working for the City of Dillingham. People who care about each other, their families, friends & neighbors. And even though life and work have been challenging of late, they are willing to look forward and strive for better things.

That being said, there is still a lot of work for us to do to reach a better place. Staff needs to be more competitively compensated & better trained for their respective responsibilities. Organizational processes and procedures need to be improved, facilities & equipment needs have to be addressed, financial resources of the City need to be invested in efforts that will bring the greatest returns, and the list goes on. All challenges that we can overcome by setting lofty goals and pursuing opportunities.

The recent implementation of a strategic planning program for the City will provide some useful structure and information to help us better focus our efforts and City resources going forward. But that can't be the only tool in the toolbox. It will take additional analysis and the combined experience, knowledge and insight of all of us (Council, staff and the greater Dillingham community) to achieve the big things we set out to accomplish.

I came to Dillingham to help cultivate the type of municipal environment where people enjoy working together to make their community an even better place to live, work and visit.

Considering all that I've experienced in my first 30 days, I'm confident that when we come together, focus our efforts and invest our resources wisely, we can do just that. I am excited to be here.

My activities / actions during the month of March include:

Strategic Planning

- We kicked off our strategic planning effort, with the help of Mr. Bill Dann from Professional Growth Systems. PGS has developed an on-line, project management software program specifically designed to track initiatives, projects and tasks associated with organizational goals and objectives. This software program will allow our staff and Council to manage their various roles and responsibilities in a shared, informational environment.

After the City Council worked together to develop five city-wide strategic initiatives and populate the software with associated objectives and tasks, each department manager is now working to identify a list of projects to improve their respective municipal operations and service delivery.

These initiatives and projects will help us focus some of the City's resources on things that will improve our capability to meet our municipal responsibilities.

A dedicated strategic plan reporting section will be included on the Council agenda, beginning with the May 2022 meeting.

Department Meetings and Site Visits

- I have had an opportunity to visit with all our department managers, meet many of our City staff, and visit most of the City facilities. This will be an ongoing effort.

Legislative Activities

- With the help of Chris Hladick, contracted Lobbyist for the City, we have engaged in a focused effort to seek funding and partnerships to accomplish some much needed capital projects. Individually and together, Chris and I have met with several state and federal agency representatives to inform them of our needs and identify potential funding paths. Many of these funding paths will take time to work through and up-front investment to make ready, but the sooner we begin, the sooner we will harvest results. Chris has also submitted a report of his activities.

- On March 16th, I met with Dr. Jason Johnson, Superintendent of the Dillingham School District to coordinate, discuss legislative issues that we felt affected both the City and the School, and to make preparations for the Joint Council/Board meeting on March 24th. It was a good meeting and exposed a lot of opportunities for future consideration and collaboration.
- On April 11th and 12th, Chris Hladick and I will be attending Senator Murkowski's Infrastructure Symposium, and the follow-up meeting being facilitated by the Alaska Municipal League, in Anchorage. This is going to be a well-attended event, with well over 500 people currently registered.
- I will also spend the 13th in Anchorage to meet with our Attorneys and some of our Consultants for introductions, updates, and project discussions.

Grant-writing

- In addition to our efforts to identify potential funding sources, we must also develop the grant-writing capacity that will be required to obtain it. I plan on doing that by combining in-house efforts with consulting assistance. The City's RFP for grant-writing services closed on Thursday, March 24th. We received two proposals that are now being reviewed to determine which firm would best meet our needs. Once we identify that firm, we will bring a contract recommendation to the Council for consideration.

In-house, I will develop a small grant-writing team, consisting of City staff and part-time, paid or volunteer "grant-writing" trainees from our community.

Regional Coordination, Community & Economic Development

- I have been participating in the weekly Community Health / COVID Response coordination meeting held virtually with regional health providers and local governments.
- I attended the regional Community Economic Development Strategy (CEDS) committee meeting to learn more about the City's participation in the process and how we can be of assistance regionally. The CEDS document can be an important reference when applying for some federal grant programs, especially through the Economic Development Administration.
- I attended the Wood Tik-Chik State Park Management Council meeting, mostly to introduce myself and see how things work there, but ended up participating in discussions about some ideas and projects that were being pondered or actively worked on.
- I visited with some of the staff at the Bristol Bay Native Association to meet, tour their facility, and discuss the City's role in the Playground Project. I also attended the Planning Commission meeting where the Playground Project was discussed.
- Mayor Ruby and I have a meeting scheduled with the First Chief and Administrator of the Curyung Tribe scheduled for April 6th.

- A few of our City staff met with Isaac Pearson, Senior Civil Engineer with Bristol Engineering Services Company, to discuss the proposed Nerka Subdivision Road Improvement project being undertaken by the Curyung Tribal Council. Isaac has agreed to make a short presentation to the Council during the April 7th meeting. This is a project that has been going on for many years, but a recent decision by the Tribal Council to take a phased approach has pushed up the timing.
- I attended the Community Liaison Training, facilitated by the Bristol Bay Economic Development Corporation, to learn more about their programming and the role each of the regional entities play in various processes.
- The ownership group for the NAPA facility here in Dillingham are interested in expanding their current operations, product lines and associated services. We have had one initial conversation to discuss some options and develop a path to allow them to do so. There are a few hurdles in the way, but I'm confident we can work our way through them.
- I met with Renee Magnuson of the Dillingham Sportsman's Club to discuss their current and future plans for the two shooting ranges they operate near the City landfill. They will meet in early April to determine their needs for a summer schedule.

Human Resources

- In addition to the day-to-day human resources paperwork that we process, Kelsa and I have been discussing some potential procedural / policy amendments to address identified gaps and lay the groundwork for some more significant organizational discussions, such as the City's present organizational structure, staffing needs, compensation package, and budget needs.
- I am also having discussions with department managers for our most challenging areas to recruit (Police, Fire/EMS, Public Works, and Finance)
- Kelsa will be participating in an upcoming career fair and taking other steps to encourage potential candidates to apply for full, part-time, and temporary (project specific) positions.
- We have received requests from both Unions representing City employees, to begin the Collective Bargaining / Contract Renewal process. We will be setting dates for those negotiations very soon.

Finance

- Preparations for the FY23 Budget adoption are underway. A budget calendar has been developed and meetings with finance & department managers are taking place. We are behind where I would like to be at this time of year, and there is a lot to do in a short amount of time, but we will get it done.

- Anita, Kelsa and I participated in our first quarterly coordination meeting with our IT Consultants, LMJ. We discuss a number of thoughts to improve our security, back-up, hardware and software configurations. We have some immediate items to address and are also working together to develop a 2 to 3 year Plan so we can better prepare for future improvements and expenditures.

Planning

- It's good to have Patty on board to manage the Planning activities for the City. Her knowledge of the local area, development history, and genuine concern for the people are a refreshing addition to a municipal planning office.
- We have had some very productive discussions about several issues facing the City and are methodically working our way through them.

Public Works

- Jean and I have had several discussions and site visits to discuss various functions of the Public Works department / Harbor and the upcoming fishing season preparations. We are discussing short and long-term needs for equipment, facilities, and infrastructure improvements. These discussions will continue as we work to develop an approach and plan to address it all.
- As mentioned earlier, Chris Hladick is also assisting with developing an approach and secure funding for our Capital Project needs.
- Some of the more immediate items we are currently addressing include; restoring the Landfill Monitoring Well contract, bidding the wastewater lagoon aeration project, and also bidding the fuel and oil contract for FY23 and FY24. Unfortunately, I expect a large increase in fuel prices across the board.

Public Safety

- The biggest issue facing our Public Safety department is Chief Pasquariello's recently announced plan to retire in May. We have had several discussions about the department and will continue to talk and strategize.
- Given this news, I have made contact with some outside resources to get assistance to secure an interim Chief and develop a process to hire a permanent replacement. It will be very difficult to replace Dan, to say the least, but after 30 years serving the City of Dillingham, I think he deserves some time to spend with his family. We're all going to miss him.
- Officer, Corrections and Dispatch staffing remain a big concern for Public Safety. We lost another officer this week and are struggling to maintain a corrections staff capable of maintaining a full-time jail facility. Pay is part of the issue, but the bigger problem is finding enough people to do the work.

- The Alaska Department of Corrections has requested an increase for Contract Jails, like ours. If it passes, it will help. The State Legislature is now discussing it as part of the FY23 budget process. If approved, as presented, it would be a 45% overall increase. Some of that money would go to establish a full-time Contract Jail Liaison for the State and the rest would go to the jail operators to help fund their operations. Dillingham could see an increase of over \$200,000 annually, if the proposal is approved.

Fire and EMS

- We have a couple of urgent needs that we are trying to address. One, is the replacement of our air-filling equipment at the Lake Road Fire Hall. Our existing system no longer works and is too old to be repaired and made safe to use. It would also be almost impossible to bring it up to current requirements. We are looking at a \$40,000+ replacement cost. Until we get this addressed, our firefighters will have no air tanks to use. I am working with staff to determine a way to fund it.
- We were informed recently, that the City received the grant to establish a redundant 911 system at the Lake Road Fire Hall. This is really good news. Those systems are quite expensive and very important. The present 911 system at the Public Safety facility is in good shape, with a few hiccups now and then. A redundant system will ensure a more resilient and reliable operation for many years to come. Anita and I are engaged in finalizing the funding agreement so we can get that project completed ASAP.
- We have received one quote to repair the Downtown Fire Hall water damage and are waiting for a second. Once we receive these quotes we will finalize the claim with our insurance company and determine the best way to utilize the funds to repair and enhance the present building.
- Recently, the Hospital contacted our Fire department and requested assistance with their medical transportation service. The ambulance they were using to transport patients became unusable and would be costly to repair. We responded by lending them one of our back-up ambulances temporarily, while we develop a long-term lease agreement for the same piece of equipment. We have been working with our attorneys to draft the agreement, which will be presented for consideration by the Council and the Hospital Board. I anticipate that agreement will be brought to Council for action during the May meeting.

Library

- I met with the Library Advisory Board to introduce myself and get to know more about them. It was a good meeting and I will continue to coordinate with Sonja and the Board to pursue improvements to the operations and facilities associated with the Library system. One of the Board's initiatives is to establish and staff a Volunteer Program that can assist in various library operations, assist with activities, and perhaps increase the number of hours our library is open each week.

Senior Center

We are currently working on a re-opening plan. Jean is working to get the entry doors fixed so we can welcome our Elders back properly. I have visited with a few of our community's Elders, informally, and they are anxious to get together again. Perhaps a grand re-opening activity would be a welcome opportunity, with proper precautions.

Monthly Report.

From: Chris Hladick, City Lobbyist

Date: March 15, 2022

To: Mayor and City Council

Once my contract was signed in early February, I purchased a plane ticket for Juneau. I spent two weeks going to committee meetings and attended the Winter Session of the Alaska Municipal League. There was a good turnout for AML (I would encourage council engagement with AML and SWAMC (Southwest Municipal Conference) to help keep current with what is happening in other communities in our Region and the State and the legislature). Go to akml.org to see the slide decks and presentations from the Winter meeting. One of the presentations was on the budget and how the one billion dollars per year for five years, the State of Alaska is receiving from the federal government, is going to be distributed. There is some expectation that the legislature will have this money to dole out in capital projects. That is not going to happen.

Miles Baker is the point lead for the Governor on researching and identifying opportunities for funding. Basically, the money is coming through existing programs such as the State Transportation Improvement Program or STIP which funds road projects in the State. A large portion of funding will come through ADOT but also Energy and Power, Water, Resiliency, Environmental Remediation and Public lands. Go to akml.gov, events, winter meeting and then presentations. See Miles Baker's presentation at akml.org.

The Dillingham Downtown rehabilitation project was funded through the STIP process and constructed by ADOT. A community project must be in the STIP process in order to obtain funding. I highly recommend the city rejuvenate their requests for road funding. As anyone familiar with the program knows it can take years to ascend to the top of the list to obtain funding. The city administration should get to know the Area Planner at Alaska Department of Transportation Southcentral Region, located in Anchorage, and glean as much as possible about the upcoming changes to the program then develop projects in conjunction with the Planning Commission and City Council which then would be submitted to ADOT.

It's still early in the process of learning about the federal funding opportunities. There will be a seminar in Anchorage, hosted by Senator Murkowski's office, on or about April 11. I will be attending but I also feel it might be informative for Robert Mawson to attend. He could also take time to meet with the engineers and whomever is working on city projects. The focus of the seminar will be on the new funding opportunities and how to apply.

In February I met with several legislators in Juneau to re-introduce myself and to talk about the Harbor Float Replacement Project. I met with Speaker of the House Louise Stutes, Rep Thompson, and of course Bryce as well as, Senator Stedman, Hoffman and Bishop. Many of them asked what the city was putting up for match, or why we were not on the list for State Ports and Harbor projects (which is through ADOT and requires a 50/50 match). As I have stated

previously it is very important to have matching funds in the yearly budget. I realize this is easier said than done but it takes money to make money. Dillingham is in a competition with other communities for the same dollars. Some communities advance their issues with the legislature by putting on a reception during the legislative session to help get the word out about what is happening in the community.

In the future the City should consider putting on a joint reception in Juneau for legislators to get to know the City's issues. I say joint because it would be good if the community worked together on this; tribes, the Electric Coop etc. whomever wants to participate. Strength in numbers.

I realize there may be reasons for not being on the State grant program for Ports and Harbors given the match requirement of 50/50. However, funding options seem to be improving with the availability of federal funding. I will outline the possible sources of funding for the Harbor project so the council and administration can make informed decisions. This is what I know to date.

I have identified four possible funding sources for the Harbor.

1. MARAD: United States Maritime Administration grants. PIPD or Port Infrastructure Development Grants. The NOFO just came out (Notice of Funding Opportunity) and the harbor project fits the grant. There is a 20% match requirement which would mean the city would need \$1.2 million for a \$6 million dollars project. The grant is due March 22, 2022. I have contacted PN&D to request a proposal for filling out the grant since they have the experience of filling out MARAD grants that have been successful. Award would be in the fall of this year.
2. State of Alaska ADOT Ports and Harbors grant. The NOFO comes out in the Spring, as previously stated this is a 50/50 match and would only fund the floats or \$5 million. That means the city has to come up with \$2.5 million for match then another \$1.2 million for the utility extensions needed to get water, sewer and electric to the city leased lots at the Harbor. This could take several years to get to the funding level, which requires legislative approval.
3. Community Transportation Program at ADOT. I am researching this as a possible funding source. I need to meet with ADOT representatives. More on this shortly.
4. Direct Appropriation: This would basically be a line item in the Capital budget which has yet to be put together. Right now, the legislature is closing out operating budgets for departments. The capital budget will be dependent on the Spring Revenue forecast to some extent which came out March 15. There appears to be a surplus in the amount of \$3.6 billion. Whether or not there would be a capital budget, or a bond package will be dependent on which spring forecast is used (it appears the Senate will want to use more conservative numbers) and other factors. I am working closely with Bryce Edgmon in the event an opportunity presents itself for funding the Harbor project. A trip to Juneau is on standby until we see how the capital budget unfolds.

Other projects:

Outer Breakwater at the Harbor: I am working to identify where the match requirement would come from or approximately \$8 million dollars. Federal dollars cannot be used to match federal grants. However, I am told those tribal dollars received from the federal government may be used as match.

Snag Point Erosion: I am in communication with staff in Senator Murkowski's office to get more information on getting this project in the queue with the Corps of Engineers. I should hear from her by the end of the week. This would be 3,600 feet of erosion control rock revetment with a WAG of \$36 million. The match requirements will be forthcoming, but it could be as much as \$12 million dollars. The question for the council is, "what is the cost of not doing the project?" The project would primarily protect the sewer lagoon but also Grandma's house and all the homes and businesses on the bluff. More to come on this project.

EOC: for Lake Road Firehall. Mark Lynch put in for a grant for this project and you should hear shortly whether it is funded. EOC stands for Emergency Operations Center. This would provide for a backup system to the one at the Police Station if the current system goes offline during a crisis.

Fire/EMS/Police station: The request for \$500,000 would provide for engineering/architectural services to pick this project up and develop a practical alternative for the project. Funding for a \$21 million dollar project has yet to be identified. I originally suggested this be an EAA grant or Economic Adjustment Act grant but learned today that there are five times as many grant applications as there is money available. I am working with SWAMC to identify other EDA grant opportunities for \$500K. I have the Public Safety and Fire Hall replacement feasibility plan from 2014, this will be a good place to start.

I have also been following the legislature, watching House and Senate Finance meetings. Of note is Nome requesting \$175 million for their dock expansion to a Deepwater Port and the Port of Anchorage they are renaming the Port of Alaska that needs \$600 million for a portion of the project. These requests make Dillingham's request of \$6 million seem insignificant. I also attended a hearing in Senate resources on PFOS and testified as the former EPA administrator.

Bills of interest:

Here are some of the bills currently before the legislature in process, this by no means is an exhaustive list. You can find more at akleg.gov for live broadcast over the internet, bills in committee, meetings and other important information. Also, you should sign up for Bryce Edgmon's newsletter for up-to-date info on the legislature. It is a great way to stay in tune.

SB (Senate Bill), HB (House Bill)

SB 172: increases residential property exemption from \$50,000 to \$75,000 for municipalities.

SB 178: Absentee ballots include option for voter to receive by mail

SB 33: Seafood Product development tax incentives extended

HB 131: Recall petitions must be filed within 365 days of certification by the clerk.

HB 190: Recall of Public Officials, money fund-raised for the recall must be used for recall.

HB 244: Annexation: must be approved by 2/3rds of votes cast by voters residing in the area to be annexed.

HB 225: Exempting Seniors from the first \$150,000 in valuation of real property for 65 yr old residents or 60 yr old widows.

HB74: allowing AHFC (Alaska Housing and Finance Corporation) to bond for water, sewer, highway and aviation projects

HB 75: PERS to charge rate of 22% of base salaries

HB 371: Broadband equalization, sets up mechanism to equalize broadband cost across the state.

Any questions don't hesitate to give a call



MEMORANDUM

DATE: 03/31/2022
TO: Robert Mawson, City Manager
FROM: Kelsa Brandenburg, Executive Assistant/HR
SUBJECT: March Department Staff Report

STAFF REPORT

New Employees:

Diana Merlino – Senior Center Driver

Abigail Flynn – Accounting Tech II, Temporary/Part-time to manage the Finance Department’s record retention

Resignations / Terminations / Layoffs:

Tanner Nickels – 2-on-2-off Police Officer

La’akea Chu – Water/Wastewater Operator I

Nicole Noonkesser – Fire Department Office Assistant

Transfers:

Ryan Johnson – Accounting Tech I, Cashier to Accounting Tech III, Taxes

Position Vacancies:

Public Works Director

Corrections Officer (2 positions)

Police Officer (2 positions)

Dispatcher II

Heavy Equipment Operator

Fleet Mechanic

Buildings & Grounds Foreman

Buildings & Grounds Assistant (position will be filled on 4/4/2022)

Water/Wastewater Operator I

Accounting Tech I - Cashier

Executive Assistant/HR

Seasonal EMTs (2 positions)

Fire Department Office Assistant – Part-time/Temporary



MEMORANDUM

DATE: March 30, 2022
TO: Robert Mawson, City Manager
FROM: Lori Goodell, City Clerk
SUBJECT: Department Report

STAFF REPORT

Strategic Planning:

Bill Dann with Professional Growth Systems held strategic planning sessions with City Council March 4 – 5. Access to the program has been extended to Department Heads so they will be able to identify goals, set up benchmarks, and have built in accountability for department projects.

Property Assessments:

This process this year has been uniquely complex due to staff shortages in positions directly related tax administration. In working with the City Assessor the BOE is scheduled for May 12, 2022. Real Property assessment notices were mailed March 17th. The deadline for submitting an appeal is April 16th. Personal Property assessment notices are scheduled to be mailed March 31, making the appeal deadline April 30th. I have received two real property appeals to date.

Northwest Clerks Institute:

Professional Development IV will be held in person at the University of Puget Sound, Tacoma WA, June 13 – 16, 2022. I have signed up for this valuable training, and submitted for a scholarship through Alaska Association of Municipal Clerks to help defray costs.

Ordinances:

There is one ordinance in the April 7th city council meeting packet.
Ordinance 2022-03; Introduced March 5th, public hearing scheduled April 7th. This ordinance establishes a marijuana excise tax.

STANDING ITEM(S):

Liquor & Marijuana License Renewals/Transfers/New Licenses. (Indicate any licenses due to expire.) There are currently no licenses for review.

Commission/Board Seats Vacant.

- Library Advisory Board, one seat.
- Senior Advisory Commission, four seats.
- Friends of the Landfill, one seat.
- Port Advisory Committee, three seats.
- Planning Commission, two seats.

One letter of interest received for the Library Advisory Board, Senior Advisory Commission, and Friends of the Landfill

Helpful Tips:

Robert's Rules of Order: MOTIONS

- A member can make a motion at any time after the chair has recognized them to speak
- Anyone can second the motion – no need to wait for chair's recognition
 - *If no second, motion does NOT proceed*
- Chair repeats the motion
- Motion is discussed, if needed
- Chair states motion and members vote

Certificate of Completion

This is to certify that

Lori Goodell

has completed the self-paced, on-line version of the

Alaska Public Offices Commission

2022

Lobbyist/Employers of Lobbyist Training



2/28/22

Date

Heather Dalberg – Paralegal II

Alaska Public Office Commission

240 Main Street, #201, P.O. Box 110222, Juneau, AK 99801



MEMORANDUM

DATE: March 30, 2022
TO: City Manager
FROM: Anita Fuller, Finance Director
SUBJECT: Finance Department Staff Report

STAFF REPORT

Statistics: February as of 3/30/2022

Payroll run: 2

Cash Receipts: \$574,469.92

All Payments: \$401,439.02 (includes \$167,334.22 for payroll)

2022 Business License Renewals received: 230

Important deadlines:

15th of each month utility payments due; last day of month utility bills created and sent

March 1: Last day for file personal property tax assessment returns. Notices not received will be fined a force file fee of up to \$400.

March 17: Real Property tax assessments mailed

March 31: Personal Property tax assessments to be mailed

Audit

- FY21 Audit final work began 10/26/2021 and is ongoing

Staffing changes

- Finance Director out of office for family emergency 3/7/2022 to 3/18/22
- Account Tech III – Taxes position filled with promotion of Ryan Johnson 3/24/2022
- Account Tech I – Cashier position became open 03/24/2022

Grant Reporting

- ARPA Grant awarded..

Collections

- Foreclosure listing for 2018 Action have passed the period of redemption (5 properties at \$23,540). Litigation report requested in March.
- Foreclosure listing for 2019 Action have passed the period of redemption (12 properties at \$18,081). Litigation report requested in March.
- Foreclosure for potential 2022 on hold until property tax assessments are mailed.



MEMORANDUM

DATE: March 29, 2022
TO: Robert Mawson, City Manager
FROM: Sonja Marx, Librarian
SUBJECT: Department Report

STAFF REPORT

The Library Advisory Board met in March via zoom again. We were pleased to have our new City Manager, Robert Mawson, join our meeting and introduce himself to the board. I know they appreciated his insight and presence that evening as the board discussed an upcoming strategic planning project to staff and train volunteers to work at the Dillingham Public Library.

I would also like to mention that our LAB has been very active over the last two years, meeting more than the required quarterly meetings for the year. They have taken on updating many of our policies. During the September meeting, the recommendations by the LAB for the updated **5-year Plan** for the Dillingham Public Library were approved and then adopted by the City Council at their next meeting.

In November, the LAB reviewed, revised and approved the mission statement. It now reads:

“The mission of the Dillingham Public Library is to serve as a source of information for the community by acquiring, organizing, and disseminating information. The library strives to meet the diverse and constantly changing information needs of the patrons by providing a variety of materials and opportunities for promoting literacy, growth, language exposure and to encourage a lifetime love of learning.”

During the January 2021 meeting, the **Collections Development Policy** was reviewed, updated and approved. See the attachment for that policy. And finally, at our most recent meeting in March, the **Donation Policy** was reviewed, updated, and approved by the LAB. That attachment will be available for the next city council packet in April. In addition, there is still an open seat on the LAB to fill.

GCI was selected as our internet provider for FY23. A contract was signed, uploaded, and Form 471 was certified. \$59,842.80 in e-rate funding was requested for internet services for the Dillingham Public Library beginning July 1, 2022. The PLA grant application requesting funds of \$7,000 is in progress to be submitted April 1st. The IMLS grant application for \$10,000 due this year on March 1st was not submitted. However, we will be receiving several thousands of dollars of books through the literacy grant provided by the DCSD over the next four years. These funds will also reach into our Summer Reading Program providing the resources needed for the children.

Library Stats report February 21st – March 27th, 2022:

**Patron Visits: 279 Computer Use: 35 Wireless Use: 197 Story Hour: 6
Other Visits (including Classes): 0 Museum Use: 16 Movies Shown: 0
AWE Station Use: 1 Volunteer Hours Logged: 13**

Next Library Advisory Board meeting is scheduled for Wednesday, April 20th, 2022, at 5:30 pm.

Collection Development Policy

Purpose of Collection Development Policy

This policy will guide the staff in making consistent and informed decisions about the collection and inform the public about the principles upon which the library's collection is developed and maintained. Because of the volume of publishing, as well as the limitations of budget and space, the library must have a collection/selection policy with which to meet community interests and needs.

Responsibility

The Librarian has the final responsibility for the maintenance and development of the collection of the Dillingham Public Library, operating within the framework of policies recommended by the Library Advisory Board. Selection of library materials, whether purchased or donated, is based upon the informational, educational, and recreational needs of the community. All materials are reviewed to determine whether they fall within the Selection Criteria guidelines listed below.

Acquisitions

Purchased materials will be acquired through the City of Dillingham purchasing procedures, following the guidelines of this Collection Development Policy. Donations/gifts can be accepted but fall under the same selection criteria as purchased materials.

Selection Criteria

All materials are judged on the basis of the work as a whole, not on a part taken out of context. Each will be considered in terms of the audience for whom it is intended. Materials are selected in accordance with one or more of the following guidelines (not in order of priority):

Artistic, literary, historic, cultural, recreational, informational, scientific merit, and/or are of educational value to our local population

Availability of shelf space

Price, in relation to total budget

Qualifications and/or significance of author

Availability of material

Awareness of significant new trends in literature, technology, and formats such as the Alaska Digital Library

Clarity and accuracy of information and/or presentation

Community requests and/or anticipated popular demand

Direct requests from consortium members such as Battle of the Books and curriculum enrichment

Format and durability

Practical usefulness

Relationship to existing materials in collection such as books in a series

Relative importance compared with other materials available on the subject

Book lists and awards such as the American Library Association recommendations, Newberry, Caldecott, etc.

Collection Goals

To promote literacy, growth, language exposure and to encourage a lifelong love of reading, the library will maintain a diverse collection of fiction and non-fiction materials to create the broadest array of topics and opinions as possible in the following areas:

- Books including popular, classics, current, and high interest at a variety of reading levels.
- Alaska and Local History Collection where materials regarding Southwest Alaska, the Bristol Bay area, and Dillingham are a special priority.
- Magazine/Newspaper Collections chosen to cover a diverse variety of current interests.
- Reference Collection containing accurate information covering general reference topics.
- Media Collection of both entertainment and informational media, including audio books and music as well as audio visuals such as Blu-ray and DVDs.

Inter-Library Loan

In situations where the library is unable to fulfill a patron's request, the library will make every effort to assist the patron in obtaining the material through the Inter-Library Loan process.

Collection Evaluation and Adjustment

In order to assure that the library is fulfilling its responsibility to provide materials to meet community interests and needs, statistical tools such as circulation reports, shelf allotments, and volume counts may be used to determine how the collection is being used and how it should change. Periodic weeding of the collection may be necessary. – See Weeding Policy.



MEMORANDUM

DATE: March 30, 2022
TO: Robert Mawson, City Manager
FROM: Patty Buholm
SUBJECT: March Monthly Report

STAFF REPORT

Planning Commission

The last Planning Commission meeting was held on March 16, 2022. During this meeting the Eagle Point Subdivision was approved by the Planning Commission. Also approved was placement of the donated playground equipment, option B of the proposed placement of the equipment. Public comment was held on both items and no objection or concern was placed on either of the above items. The Resolutions for both items listed will be in the April 13, 2022 Planning Commission meeting to complete the Planning Commission process this far.

The next Planning Commission meeting is scheduled for April 13, 2022 at 5:30pm.

Currently we have 2 open seats on the Planning Commission Seat B and Seat F. The City of Dillingham would like to thank both Jessica Denslinger and Jason Lamson for their time and contributions to the Dillingham Planning Commission.

Permitting

- Land Use Permits: Currently we have 2 Land Use Permits that have been received and are being processed. This internal process is currently under review to streamline the process to become more efficient.
- Land Leases: Land Leases for the Harbor are under review. The review is also to streamline this process. Food Court area is also under review that had been started by previous City Manager Tod Larson with hopes to revive and update this process.
- Burial Permits: No burial permits have been issued, however the in-house process is being established.

Requests for Proposal (RFP/ITB)

- The Grant Writing RFP was set to close on March 18, 2022, however due to the weather, limited planes, and mail coming into Dillingham was extended by one week. Close date was then delayed to March 24, 2022 with a total of 2 proposals received. The City Manager will review the proposals and submit a recommendation (RFP-2022-01).
- The Aerated Lagoon Facility Improvements Project is currently open and scheduled to close on April 14, 2022 (ITB-2022-01).
- Furnish Petroleum Fuels FY23 is currently open and scheduled to close on April 15, 2022 at 3:00pm (RFP-2022-02).

Meetings

- On March 22, 2022 while in Anchorage on personal travel, I was able to meet with Pete Bellessa and Mike Leguineche from CRW Engineering Group for introductions. Discussions included CRW past work for the City of Dillingham as well as the current Aerated Lagoon Facility Improvement RFP they have compiled and is currently open and active as an RFP.
- I was unable to schedule or meet with Bristol Engineering, but did intend too as they have a long history with the City of Dillingham. Bristol Engineering has completed many projects for the City. In my next travels through Anchorage I will certainly make the time to meet with Isaac Pearson and the team at Bristol Engineering Services.

Projects:

- In communication with Isaac Pearson from Bristol Engineers, he stated that the Nerka Subdivision upgrades project with Curyung Tribal Council has been a continuous project. He has been working closely with the Tribal Council to get the project out to bid. Isaac will update the City Manager (Robert Mawson), Acting Public Works Director (Jean Barrett), City Clerk (Lori Goodell), and myself on March 30, 2022 of the status of the project.

Training:

- In the February I had attended a 3 day Funding workshop hosted by BBNA and BBEDC on February 15, 16, and 17. The workshop consisted heavily on Community Planning, Grant Writing, and creating contacts within our region.
- On March 22 - 24, I was able to attend the 2022 Virtual Alaska Planning Conference and obtain CME's towards the Planning Certificate.

General Communications:

- I am in the process of updating the City of Dillingham land ownership list.
- I have been communicating with Alaska Map Company, Gary Greenburg, to understand the ArcGIS mapping system that is located on the City Website. This software is currently at the tail end of its life and will need to be replaced. Gary Greenburg is scheduling one-on-one training with me to be able to update the map myself, however am currently not at that level of sufficiency to complete those tasks.
- I will be working with our appraisal company to be able to identify property ownership, which will then be updated into our mapping software so it can be easily accessible by anyone using the map system on the City website. This is a large project and will more than likely take up to a year or longer to complete accurately while continuing to do daily responsibilities of this office.
- Alan Backford at the BBNA Land Management Office has been extremely helpful in providing on-line resources and has assisted in teaching me how to properly use them, so thank you Alan and BBNA Land Management.
- Also a thanks to Dagen Nelson, and John O'Conner at Southwest Alaska Surveying for taking the time to answer questions about particular plats, previous code history, and their historical observations of how subdivisions have changed over time with partnering agencies. Due to their valuable input and continuous availability for consultation of subdivisions within the City process, this process will be evaluated to streamline the process.



MEMORANDUM

DATE: 3-31-22
TO: City Manager Robert Mawson
FROM: Chief Daniel Pasquariello
SUBJECT: Public Safety Department Report **April 2022**

STAFF REPORT

- One of the difficult duties ACO Dan Boyd has to perform is the euthanasia of animals. The animals he has to put down (*mostly dogs*) are unwanted, vicious, or old and sickly. The only animals ACO Boyd has euthanized in over a year have been “compassionate” euthanasia, elderly pets put down at the request of their owners. This is because ACO Boyd works extremely well with rescue groups in Anchorage and other parts of the state to take Dillingham’s unwanted pets, or to take in and rehabilitate vicious animals. We are proud of him.
- During Beaver Roundup ACO Boyd held a rabies clinic and vaccinated 45 animals.
- The State Legislature/Governor’s office is looking to increase the budget given to cities for contract jails. If approved the Dillingham jail will received a 45% increase in the amount of money we receive for the jail contract. Right now, it costs us more money to run the jail than the city gets from the contract. This increase will eliminate our supplemental funding for what is essentially a state function.
- We currently have two vacant positions in corrections and have been at a 60% staffing level for a long time. We are just not receiving applicants for the corrections officer positions. This is most likely because most other comparable jobs in Dillingham pay as much, or more money, and do not involve shift work. Hopefully, with increased funding we may be able to raise the CO pay to be able to attract applicants for the vacant positions.
- It is once again time to negotiate a new collective bargaining agreement with the PSEA union. Our goal will be to work out a fair contract that will allow us to recruit and retain employees in all divisions of the public safety department.

-
- The Dispatch division is running smoothly, even though we have a vacant position and are operating at an 80% staffing level.
 - The Patrol division is running smoothly, even though we have two vacant positions and are at a 75% staffing level. If we make the vacancies rotational positions we should be able to fill them quickly as applicants are constantly calling about these positions.
 - The DMV, as usual is running smoothly.



MEMORANDUM

DATE: 3-29-22
TO: City Manager
FROM: Jean Barrett / Public Works / Port
SUBJECT: Department Report

STAFF REPORT

Last month I documented the state of the equipment at the City Public works, this month I would like to add some dollar amounts to the equipment I feel that we need to maintain our streets, neighborhoods and work areas, including the landfill and dock and water and waste water treatment facilities.

Graders

- We have 2 graders, one is a 160H, and it is a late 90's model and is in need of a transmission rebuild or replacement. The Cat Mechanic that was here last fall suggested it also have an engine replacement at the same time. This is standard since you have to pull the engine to replace the transmission. A rough cost estimated would be \$100,000.00. I have researched resale prices on this vintage model graders and they are roughly \$75 – \$90,000. Our other grader is 160M, it is a newer model and in fairly good shape. I would estimate this grader to be an early to mid 2000 model. A new 160 grader (they dropped the letter on the model) is \$438,101.38, a hefty price tag but this will be a 15-20 year grader for the city. I suggest we purchase one grader and sell our older 160H.

Loaders

- We have 3 loaders to the cities name. 2 of them are not running and are in need of more work than they are worth, and the one running loader is closing in on 10 years old. A new Cat 950 loader is \$352,040.00. I suggest the city purchase 2 Cat 950's and attempt to sell the two non-running loaders.

Now I know that this is a small boatload of money, (approx. 1.1 Million) for 3 pieces of equipment but before you rush to ask "where are we going to get this money from" I have a suggestion. Caterpillar has a great financing program that we can apply for to extend the payments for these machines out to 84 months and these are or will be at least 15 year machines for the City.

Other needed equipment

Steamer unit

- We have had a horrible time this winter with iced up culverts on some of our roads. Mainly Emperor Way, we need to do some major work on these areas. We need to replace culverts and build up the roads to make them higher than the surrounding flats AND we need a small steamer unit to use for thawing them out when they ice up. Cost for a tow behind steamer unit is upwards of \$20,000

Loader Mounted Snow blower

- A loader mounted snow blower is a much needed piece of equipment. It would help us keep the edge of the roads defined and cleared by blowing the snow onto the right of ways. We could use it to load snow into dump trucks to haul away from populated areas and it would reduce wear and tear on our graders by reducing pile up on the side of the roads. Cost for this much needed item is \$220,000

Box blade for snow removal

- This item is purchased at a cost of \$17,000 FOB Dillingham. It was in our budget this year, I finally found one and it will be on the first barge out here this spring, ready for snow removal next winter.

In conclusion this is a lot of money to purchase much needed equipment to keep our little burg up and running. But in my assessment it is all essential.

We are a few days away from opening up the dock for the season... I am having a hard time believing it as there is still several feet of snow and some huge piles on the dock. We will power thru that in the next few weeks and be ready for summer to pounce on us.

Council Meeting – Regular
Meeting Date: April 7, 2022
Introduced, March 5, 2022
Public Hearing, April 7, 2022
Submitted By: Finance & Budget Committee

Agenda Item: 7

Information

TITLE

Ordinance 2022-03; An Ordinance Of The Dillingham City Council Amending Title 4 Of The Dillingham Municipal Code To Adopt An Excise Tax On Importation Of Marijuana

RECOMMENDED ACTION

I move to adopt Ordinance 2022-03, Amending Title 4 of the Dillingham Municipal Code to Adopt an Excise Tax on Importation of Marijuana.

SUMMARY OF ISSUE

The Council and Management have been monitoring the city budget and revenue streams for many years. The dwindling federal and state allocations continue to have a negative impact on the City's finances. Council assigned the Finance & Budget Committee to research new revenue streams. Both marijuana establishments were contacted during the development of the ordinance. Management supports the adoption of this ordinance.

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 4 OF THE DILLINGHAM MUNICIPAL CODE TO ADOPT AN EXCISE TAX ON IMPORTATION OF MARIJUANA

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a code ordinance.

Section 2. Amendment of Title 4. Title 4 of the Dillingham Municipal Code is hereby amended by adding a new Chapter 4.26 to read as follows:

Chapter 4.26

EXCISE TAX ON MARIJUANA

Sections:

- 4.26.010 Definitions.**
- 4.26.020 Tax on all Marijuana.**
- 4.26.030 Intent and purpose of chapter and taxpayer.**
- 4.26.040 Exemptions.**
- 4.26.050 Registration required to acquire Marijuana exempt of tax for resale outside the city—Eligibility of applicant.**
- 4.26.060 Expiration and renewal of registration.**
- 4.26.070 Suspension or revocation of registration.**
- 4.26.080 License required for dealers in Marijuana —Issuance.**
- 4.26.090 License fee.**
- 4.26.100 Expiration and renewal of licenses.**
- 4.26.110 Transfer of license.**
- 4.26.120 Refund of tax or license fee.**
- 4.26.130 Display of license—Surrender of license—Suspension or revocation of license.**

- 4.26.140 Tax returns.**
- 4.26.150 Involuntary returns.**
- 4.26.160 Amended tax returns.**
- 4.26.170 Application of payments.**
- 4.26.180 Prohibited acts and penalties.**
- 4.26.190 Tax lien.**
- 4.26.200 Interest on unpaid tax.**
- 4.26.210 Taxpayer, licensee, or other person remedies.**
- 4.26.220 Inspection and maintenance of documents and records.**
- 4.26.230 Administrative regulations.**
- 4.26.240 Confidentiality of records.**

4.26.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

“Brought into or acquired” includes all manners, ways, and modes of bringing into or obtaining Marijuana in the city.

“Buyer” means a person who brings into or acquires in the city any Marijuana for his own consumption.

“Department” means the city finance department.

“Distributor” means a person who brings Marijuana or causes Marijuana to be brought into the city, and who sells or distributes them to others for resale.

“Inventory count” means the effective date and details of a count by description, including the trade name and brand, purchase price and total quantity on-hand, of all Marijuana.

“Marijuana” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not include fiber produced from the stalks, oil or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products, or industrial hemp as defined in AS 03.05.100 ;

“Person” includes an individual, company, partnership, joint venture, joint agreement, association (mutual or otherwise), corporation, estate, trust, business trust, receiver or trustee, syndicate, or political subdivision of this state, or combination acting as a unit including individuals who are employees or officers of any such entities who are under a duty to perform an act concerning which

a violation of this chapter could occur. It is the intent of this chapter that such persons be personally liable for unremitted taxes.

“Place of business” means a place where Marijuana is sold, or where they are brought or kept for the purpose of sale or consumption, including a vessel, vehicle, airplane, or train.

“Purchase” means the acquisition of ownership or possession of Marijuana from any source.

“Retail” means a sale to a consumer or to any person for any purpose other than for resale.

“Retailer” means a person who is engaged in the business of selling Marijuana at retail to consumers.

“Sale” includes a sale, barter, exchange, and every other manner of transferring the ownership of personal property.

“Tax” means the Marijuana excise tax assessed pursuant to this chapter.

“Tax return” means the monthly report to be submitted to the department as required by this chapter.

“Wholesale price” means the price paid by a distributor or retailer for Marijuana.

4.26.020 Tax on all Marijuana.

An excise tax of ten (10) percent of the wholesale price is levied on all Marijuana brought into the city. The tax is levied effective May 1, 2022.

4.26.030 Intent and purpose of chapter and taxpayer.

- A. It is the intent and purpose of this chapter to collect the tax from the person who:
 - 1. Brings or causes any Marijuana to be brought into the city;
 - 2. Makes, manufactures, or fabricates any Marijuana in the city;
 - 3. Ships or transports Marijuana into the city; or
 - 4. Commits, or is complicit in, an act of tax evasion resulting in the city being deprived of the tax due under this chapter.
- B. Notwithstanding anything to the contrary contained in this chapter, the taxpayer shall be those persons described in this section and no others.

4.26.040 Exemptions.

- A. Resale Outside the City. Provided all persons otherwise subject to this chapter comply with its requirements, any retailer or distributor who brings Marijuana into the city for resale outside of the city shall be allowed a tax credit based on the wholesale price of the Marijuana.

4.26.050 Registration required to acquire Marijuana exempt of tax for resale outside the city—Eligibility of applicant.

- A. Except as otherwise provided herein, no person may acquire Marijuana in the city exempt of the tax unless that person has registered with the department in accordance with this chapter. No person shall claim any deduction under this chapter unless the Marijuana

for which any deduction is claimed has been sold or transferred to a person registered with the department in accordance with this chapter prior to such sale or transfer.

1. Any person whose principal place of business is located outside the city and who acquires Marijuana in the city for resale outside the city at his or her principal place of business must apply for registration with the department to acquire Marijuana in the city exempt of the tax provided such person has a valid state of Alaska business license with a marijuana license and relevant line of business code or equivalent thereon.

2. A business having more than one location outside the city shall apply with the department to register each separate location that will or does receive a tax-exemption for Marijuana acquired directly from a retailer or distributor in the city.

B. Application for registration to bring , make, ship or transport Marijuana in the city exempt of the tax shall be on a form provided by the department, and shall include the following information and such other information as the department may require:

1. The applicant's name and mailing address;

2. A copy of the applicant's current state of Alaska business license, including a marijuana license and the line of business (LOB) code or equivalent;

3. The business name and location(s) where Marijuana will be sold;

4. The applicant's signature, firmly binding the applicant to an agreement that, in the event the department revokes the applicant's registration in accordance with Section 4.26.070, the applicant will become ineligible to register under this section for a period of two years, beginning with the date of revocation;

5. The applicant's signature confirming that the applicant fully understands the relevant compliance requirements of this chapter;

6. Each signature shall be by a person or agent having such authority to sign and bind the applicant and shall be under penalty of prosecution for unsworn falsification.

C. All persons registered under this section shall maintain compliance with all relevant state of Alaska laws and administrative requirements related to the registered business, including but not necessarily limited to: business license, marijuana license, and any related required periodic reporting.

D. All persons applying for registration under this section shall be current with all financial obligations due to the city.

E. A registration under this section is valid from the date the department approves registration until December 31st that year.

F. The department may refuse to register an applicant if there is reasonable cause to believe that:

1. The applicant has structured its business organization to avoid ineligible status;

2. The applicant has structured its business to avoid payment of amounts due under this chapter; or

3. The applicant is responsible for any act or omission by any person which withholds, misstates or provides false or misleading information required by the department.

G. A person whose registration is revoked becomes ineligible to register under this section for a period of two years, beginning with the date of revocation.

H. A natural person whose acts result in revocation of registration becomes ineligible to register under this section.

I. The department shall maintain and publish a current listing of businesses registered under this section for use by a distributor or retailer to confirm if a person is eligible to purchase Marijuana exempt of the tax imposed by this chapter.

4.26.060 Expiration and renewal of registration.

A. Registration under Section 4.26.050 expires on December 31st. A person, upon application to the department, may, on or before December 31st, renew registration for one calendar year from the expiration date.

1. If there is a change in ownership of the registered business, registration shall automatically expire.

2. If the person who signed the application ceases to have the authority to bind the registered business, then registration shall automatically expire.

3. If the name of the registered business is changed or the registered business is moved to another location, the registration shall automatically expire. Upon application to the department, registration may be renewed without fee for the new name and/or new location of the business for the balance of the twelve-month term of registration.

4. If a person who is ineligible to register under Section 4.26.050 becomes an owner, partner, member, officer, director, or manager of a registered business, registration of that business shall automatically expire.

4.26.070 Suspension or revocation of registration.

The department may suspend or revoke a person's registration under Section 4.26.050 for any violation of this chapter by the officers, directors, owners, members, or employees of the applicant business.

4.26.080 License required for dealers in Marijuana —Issuance.

A. No person may sell, purchase, possess, or acquire Marijuana in the city as a manufacturer, distributor, retailer, or vending machine operator, without a license issued under this chapter.

B. The department, upon application and payment of the fee, shall issue a license to the applicant. A copy of the applicant's active state of Alaska business license with a marijuana license is required and must accompany the application. The application must include the following information:

1. The applicant's name and address;

2. The name under which the Marijuana business will be conducted;
 3. The applicant's Marijuana business categories as a manufacturer, distributor, or retailer;
 4. Other information required on the department's application form.
- C. The department may refuse to issue a license if there is reasonable cause to believe that the applicant has willfully withheld information requested to determine the applicant's eligibility to receive a license, or if there is reasonable cause to believe that information submitted in the application is false or misleading and is not made in good faith.
- D. A license required by this chapter is in addition to any other license required by law.
- E. A license issued under this chapter shall include:
1. The name and address of the licensee and name of licensed business;
 2. The type of business to be conducted;
 3. The address at which the business is conducted; and
 4. The year for which the license is issued.

4.26.090 License fee.

For each license issued under this chapter, and for each renewal, the fee is fifty (\$50.00) dollars per calendar year. This license shall be in addition to the regular business license required under Dillingham Municipal Code (DMC).

4.26.100 Expiration and renewal of licenses.

A license issued under this chapter expires on December 31st of each respective year. A licensee, on application to the department accompanied by the renewal fee, may, before the expiration of the license, renew the license for one year from the expiration date of the license. If the licensee moves the business to another location within the city, the licensee shall, upon application to the department, be reissued a license for the new location for the balance of the unexpired term. A person whose license is lost, stolen, or defaced shall immediately file an application with the department for reissuance of the license for the balance of the unexpired term.

4.26.110 Transfer of license.

A license issued under this chapter is not assignable or transferable. However, in the case of death, bankruptcy, receivership or incompetency of the licensee, or if the business of the licensee is transferred to another person by operation of law, the department may in its discretion extend the license for a limited time to the executor, administrator, trustee, or receiver, or the transferee of the licensee.

4.26.120 Refund of tax or license fee.

- A. The department shall not refund the license fee paid pursuant to this chapter upon the surrender or revocation of a license after the beginning of the license year. Upon application, the department may refund a license fee that is paid or collected in error.

- B. If a remittance by a licensee exceeds the amount due, and the department, on audit of the account in question, is satisfied that this is the case, the department shall, upon written request of the licensee, refund the excess to the licensee without interest.
- C. Any claim for refund filed more than one year after the due date of the tax is forever barred.

4.26.130 Display of license—Surrender of license—Suspension or revocation of license.

- A. A license issued under this chapter must be prominently displayed at the licensee's place of business.
- B. A licensee shall surrender a license within ten days after:
 - 1. A revocation of a license;
 - 2. A cessation of business;
 - 3. Change of ownership of; or
 - 4. A change of a place of business.
- C. The department may suspend or revoke a license issued under this chapter:
 - 1. For violation of this chapter or a regulation of the city adopted pursuant to this chapter;
 - 2. If a licensee ceases to act in the capacity for which the license was issued; or
 - 3. If the licensee fails to submit their taxes due in a timely manner as required by code.
- D. No person whose license is suspended or revoked shall bring Marijuana into the city or permit Marijuana to be sold during the period of the suspension or revocation on the premises occupied or controlled by that person. No disciplinary proceeding or action is barred or abated by the expiration, transfer, surrender, renewal, or extension of a license issued under this chapter.

4.26.140 Tax returns.

- A. On or before the last day of each calendar month a licensee shall submit to the department a tax return, upon forms provided by the department, for each license, and submit payment of taxes due for the preceding month.
 - 1. The return shall be signed under penalty of perjury by the licensee or his agent and must include:
 - a. The name and address of the licensee;
 - b. The name and address of the person filing the return, if different from the licensee;
 - c. The number of the license issued under this chapter;
 - d. The name under which the business is being conducted;

- e. The wholesale price of all Marijuana brought into or acquired in the city during the preceding month from any source whatsoever;
- f. The names of persons from whom Marijuana was brought into or acquired in the city during the preceding month from any source whatsoever;
- g. Deductions claimed for any Marijuana, specified in the return in response to subsections (A)(1)(e) and (f) of this section, for which the tax has been paid previously by another person;
- h. The amount of tax due on the wholesale price of nonexempt Marijuana manufactured, brought into or acquired in the city during the preceding month; and
- i. Other information and supporting documentation which may be required by the department with the return.

B. Each licensee shall report all Marijuana sales for which an exemption is claimed as a deduction on its monthly tax return to the department and shall provide a copy of an invoice or other document satisfactory to the department supporting each sale of exempt product.

C. A tax return must be filed even if there were no Marijuana manufactured, brought into or acquired in the city during the preceding month.

D. The taxes imposed under this chapter and the return required by this section must be received by the department or postmarked on or before the last day of each calendar month following the month covered by the return.

4.26.150 Involuntary returns.

If a licensee fails to file a return as required by this chapter, or when the department finds that a return is not supported by the records to be maintained pursuant to this chapter, the department may prepare and file a return on behalf of the licensee. Involuntary returns filed under this section may be premised upon any information that is available to the department, including, among other things, comparative data for similar businesses. A licensee for whom an involuntary return is filed under this section shall be subject to liability for the tax stated in the return, as well as subject to the penalties and interest provided for in this chapter. A return prepared by the department is, prima facie, good and sufficient for all legal purposes. However, nothing prevents the licensee from presenting evidence on an appeal to rebut the presumed sufficiency of a return prepared by the department, nor does the presumption of sufficiency alter the parties' respective burdens of proof once the licensee has presented evidence to rebut that presumption.

4.26.160 Amended tax returns.

A. Any tax return filed hereunder may be amended by the licensee within one year after the due date of the tax return being amended. No amendment by the licensee shall be allowed after this one-year period.

B. Any tax return prepared and filed by the department on behalf of the licensee may be amended by the licensee within one year of the date filed by the department. No amendment by the licensee shall be allowed after this one-year period.

4.26.170 Application of payments.

Any payment submitted to the department for any taxes, penalties, interest, or cost due under any provision of this chapter or any return or any finding or determination by the department under this chapter shall be credited to the monthly tax period for which remitted, first to the payment of costs and then to penalties, interest, and taxes in that order.

4.26.180 Prohibited acts and penalties.

- A. No person may, in violation of or without complying with the provisions of this chapter:
 - 1. Import Marijuana into the city;
 - 2. Sell, transfer or acquire Marijuana in the city; or
 - 3. Participate in the importation of Marijuana into the city or in the sale, transfer, or acquisition of Marijuana within the city.
- B. If a person fails to pay the full amount of the tax due and/or file a tax return or report required under this chapter by the due date, a penalty of ten percent of the taxes due shall be assessed.
 - 1. The penalty shall be computed on the unpaid balance of the tax liability as determined by the department.
 - 2. The penalties provided for in this section shall be in addition to all other penalties and interest provided for under this chapter.
- C. If a properly filed amended return reduces the total tax liability or the tax required to be paid, or the department reduces the tax liability, the related penalty will be reduced accordingly.
- D. All penalties and remedies enumerated in this chapter are cumulative.

4.26.190 Tax lien.

- A. If any person who is liable to pay a tax or license fee under this chapter neglects or refuses to pay the tax or license fee after demand, the amount, including interest, additional amounts, or assessable penalty together with costs, is a lien in favor of the city upon all property and rights to property, real or personal, belonging to that person.
- B. A notice of lien for amounts described in this section may be recorded in the office of the district recorder, Bristol Bay Recording District, Third Judicial District and in the State Recorder's Office UCC Central File System; however, failure to so record said interests shall not be construed as a waiver or abrogation of any and all priorities, rights and interests of the city at law and in equity. Upon full satisfaction of payment of all charges, interest, penalties and costs due and owing to the city, the city shall file a certificate discharging the lien.
- C. In an action to enforce a lien, the court shall allow as part of the costs all money paid for drawing the lien and for filing and recording the lien claim, and a reasonable attorney fee for the foreclosure of the lien.

4.26.200 Interest on unpaid tax.

In addition to any penalties imposed by this chapter, interest at the rate of six percent per annum shall be charged on the unpaid balance of delinquent taxes.

4.26.210 Taxpayer, licensee, or other person remedies.

Any person aggrieved by any action of the department in issuing, suspending, revoking, or refusing to issue any license or registration for exemption under this chapter or in fixing the amount of taxes, penalties, interest, or costs under this chapter should provide written protest notice to the department. The city will rule on each protest within thirty days of receipt of the notice by the city.

4.26.220 Inspection and maintenance of documents and records.

A. Every person subject to this chapter shall keep a complete and accurate record of all Marijuana manufactured, purchased, sold, brought into, transported outside of for the purpose of sale, or acquired in the city by such person.

1. Except in the case of a manufacturer, the records shall include a statement containing the name and address of the person from whom Marijuana was purchased or acquired, the date of delivery, the quantity of Marijuana, the trade name and brand, and the price paid for the Marijuana purchased.

2. Each invoice or other documentation of the sale of Marijuana within the city shall state whether the tax imposed under this chapter has been paid.

3. Persons subject to this chapter shall keep such other documents and records as the department prescribes.

4. All documents and records required by this section shall be preserved by persons subject to this chapter for three years. All records and documents required by this chapter to be kept or retained are subject to inspection within the city upon demand by the department.

B. A licensee transferring or selling Marijuana to a Section 4.26.050 registrant must keep a record of all Marijuana transferred or sold to such person.

C. The finance director may, during business hours, enter the business premises of a licensee where Marijuana are kept or stored, so far as it may be necessary for the purpose of examining such products and the related business records.

4.26.230 Administrative regulations.

The finance director, or designee, may adopt regulations providing for the application and interpretation of this chapter and providing methods and forms for reporting and collecting the tax imposed by this chapter.

4.26.240 Confidentiality of records.

A. All tax returns, documents, records, and/or reports filed with the department pursuant to the provisions of this chapter and all data obtained from such tax returns, documents, records, and/or reports are confidential and may not be released for inspection by any person except the finance department; provided, however, that such data may be released upon court order.

B. It is the duty of the finance director to safely keep tax returns, documents, records, and/or reports and all data taken therefrom secure from public and private inspection except as provided by this chapter.

C. This section does not prohibit the department from compiling and publishing statistical evidence concerning the data submitted; provided, that no identification of particular tax returns, documents, records, and/or reports is made. Nothing in this section shall be deemed to prohibit the finance director from examining the tax returns, documents, records, and/or reports; provided, that no information obtained from specific or identifiable tax returns shall be made available to persons other than those authorized to review them under subsection A of this section.

Section 3. Amendment to Section 1.20.040. That Dillingham Municipal Code Section 1.20.040 - Minor offense fine schedule is amended to by the addition of new language to read as follows:

Code Section	Offense	Penalty/Fine
4.26.050	Failure to register as a dealer in marijuana products.	\$500
4.26.140	Failure to file marijuana excise tax return.	\$500
4.26.220	Falsifying marijuana excise tax records.	\$500
4.26.220	Failure to allow inspection of records.	\$500

Section 4. Effective Date. This ordinance is effective May 1, 2022.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on April 7, 2022.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Lori Goodell, City Clerk

Information

TITLE

Resolution 2022-12; A Resolution Of The Dillingham City Council In Support Of Alaska State House Bill 272 (HB-272), Which Would Increase The Base Student Allocation (BSA) In The Foundation Formula For FY23 And FY24

RECOMMENDED ACTION

I move to Adopt Resolution 2022-12, a Resolution Of The Dillingham City Council In Support Of Alaska State House Bill 272 (HB-272), Which Would Increase The Base Student Allocation (BSA) In The Foundation Formula For FY23 And FY24.

SUMMARY OF ISSUE

Passage of this Bill would increase the Base Student Allocation (BSA) in the FY23 Foundation formula by \$223 per student. Then in FY24 an additional \$55 per student would be added. An addition of \$278 per student over the next two years.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2022-12

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL IN SUPPORT OF ALASKA STATE HOUSE BILL 272 (HB-272), WHICH WOULD INCREASE THE BASE STUDENT ALLOCATION (BSA) IN THE FOUNDATION FORMULA FOR FY23 AND FY24

WHEREAS, The City of Dillingham recognizes its partnership role with the Dillingham City School District in ensuring a robust and competitive primary and secondary education for all students in the District; and

WHEREAS, Alaska public schools have been flat-funded by the State since 2017, even as the cost for essential services and goods have increased rapidly during the same period of time; and

WHEREAS, The Dillingham City School District works diligently to provide the same, or increased levels of service, despite this reduced spending power; and

WHEREAS, Continuing to under-fund our public school system will only exacerbate existing challenges to pay for teacher retention and recruitment, classroom instruction, extra-curricular activities, student transportation services, facility needs, and all other associated and necessary expenditures; and

WHEREAS. Passage of Alaska House Bill 272 would provide a much needed increase to the Student Base Allocation (SBA) in the FY23 and FY24 Foundation formula.

NOW, THEREFORE, BE IT RESOLVED the Dillingham City Council hereby declares its support for House Bill 272 (HB-272) and other efforts to increase funding for the public education system currently being debated at the Alaska State Legislature.

PASSED and ADOPTED by the Dillingham City Council on April 7, 2022.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Lori Goodell, City Clerk

Information

TITLE

Resolution 2022-13; A Resolution Of The Dillingham City Council In Support Of Alaska State House Bill 273 (HB-273), Which Would Link The Base Student Allocation (BSA) Directly To The Consumer Price Index For Urban Alaska

RECOMMENDED ACTION

I move to Adopt Resolution 2022-13; A Resolution Of The Dillingham City Council In Support Of Alaska State House Bill 273 (HB-273), Which Would Link The Base Student Allocation (BSA) Directly To The Consumer Price Index For Urban Alaska

SUMMARY OF ISSUE

Passage of this Bill would link the Base Student Allocation (BSA) directly to the Consumer Price Index for Urban Alaska, over a three-year rolling average.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2022-13

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL IN SUPPORT OF ALASKA STATE HOUSE BILL 273 (HB-273), WHICH WOULD LINK THE BASE STUDENT ALLOCATION (BSA) DIRECTLY TO THE CONSUMER PRICE INDEX FOR URBAN ALASKA

WHEREAS, The City of Dillingham recognizes its partnership role with the Dillingham City School District in ensuring a robust and competitive primary and secondary education for all students in the District; and

WHEREAS, Alaska public schools have been flat-funded by the State since 2017, even as the cost for essential services and goods have increased rapidly during the same period of time; and

WHEREAS, The Dillingham City School District works diligently to provide the same, or increased levels of service, despite this reduced spending power; and

WHEREAS, Continuing to under-fund our public school system will only exacerbate existing challenges to pay for teacher retention and recruitment, classroom instruction, extra-curricular activities, student transportation services, facility needs, and all other associated and necessary expenditures; and

WHEREAS. Passage of Alaska House Bill 273 would link the Base Student Allocation (BSA) in the Foundation formula to the Consumer Price Index for Urban Alaska.

NOW, THEREFORE, BE IT RESOLVED the Dillingham City Council hereby declares its support for House Bill 273 (HB-273) and other efforts to increase funding for the public education system currently being debated at the Alaska State Legislature.

PASSED and ADOPTED by the Dillingham City Council on April 7, 2022.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Lori Goodell, City Clerk

Information

TITLE

Resolution 2022-14; A Resolution Of The Dillingham City Council In Support Of Alaska State House Bill 350 (HB-350), Which Would End The Current School Bond Debt Moratorium On July 1, 2022 And Increase The Amount Of Reimbursable School Bond Debt

RECOMMENDED ACTION

I move to Adopt Resolution 2022-14; A Resolution Of The Dillingham City Council In Support Of Alaska State House Bill 350 (HB-350), Which Would End The Current School Bond Debt Moratorium On July 1, 2022 And Increase The Amount Of Reimbursable School Bond Debt

SUMMARY OF ISSUE

Passage of this Bill would end the current school bond debt moratorium on July 1, 2022, rather than the current ending date of July 1, 2025. This would allow school districts to receive help from the State to help pay for school bond debt. It would also increase the amount of reimbursable school bond debt back to the original 60% or 70%, rather than the 40% or 50% reimbursement rate currently being used to assist with new construction and major maintenance.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2022-14

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL IN SUPPORT OF ALASKA STATE HOUSE BILL 350 (HB-350), WHICH WOULD END THE CURRENT SCHOOL BOND DEBT MORATORIUM ON JULY 1, 2022 AND INCREASE THE AMOUNT OF REIMBURSABLE SCHOOL BOND DEBT

WHEREAS, The City of Dillingham recognizes its partnership role with the Dillingham City School District in ensuring a robust and competitive primary and secondary education for all students in the District; and

WHEREAS, Alaska public schools have been flat-funded by the State since 2017, even as the cost for essential services and goods have increased rapidly during the same period of time; and

WHEREAS, The current School Bond Debt Moratorium and existing rates for School Bond Debt reimbursement continue to negatively impacted the City's ability to compensate for rising costs and provide adequate funding to meet the needs of our local schools; and

WHEREAS, Leaving the current moratorium in place, and keeping reimbursement rates at their present levels, will only exacerbate existing challenges to fund our municipal responsibilities, repay our school facility bond debt, and provide the school district sufficient resources to pay for teacher retention and recruitment, classroom instruction, extra-curricular activities, student transportation services, facility needs, and all other associated and necessary expenditures; and

WHEREAS. Passage of Alaska House Bill 350 (HB-350) would provide a positive financial adjustment and help both the City and School District better meet their obligations to the students and citizens of Dillingham.

NOW, THEREFORE, BE IT RESOLVED the Dillingham City Council hereby declares its support for House Bill 350 (HB-350) and other efforts to increase funding for the public education system currently being debated at the Alaska State Legislature.

PASSED and ADOPTED by the Dillingham City Council on April 7, 2022.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Lori Goodell, City Clerk

Information

TITLE

Resolution 2022-15; A Resolution Of The Dillingham City Council Committing \$500,000 In Matching Funds To Priorities and Projects Identified In The City Of Dillingham Waterfront Strategic Plan

RECOMMENDED ACTION

I move to Adopt Resolution 2022-15; A Resolution Of The Dillingham City Council Committing \$500,000 In Matching Funds To Priorities and Projects Identified In The City Of Dillingham Waterfront Strategic Plan

SUMMARY OF ISSUE

At the recommendation of City of Dillingham Lobbyist Chris Hladick, we have developed this resolution to show the city's commitment to accomplish priorities and projects identified in the City of Dillingham's waterfront strategic plan.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2022-15

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL COMMITTING \$500,000 IN MATCHING FUNDS TO PRIORITIES AND PROJECTS IDENTIFIED IN THE CITY OF DILLINGHAM WATERFRONT STRATEGIC PLAN

WHEREAS, The City of Dillingham, located at the mouth of the Nushagak River, an inlet of Bristol Bay, an arm of the Bering Sea in the North Pacific, in southwestern Alaska; and

WHEREAS, The City of Dillingham is the regional hub of the rich Bristol Bay salmon fishing district known worldwide as the home of the world's largest runs of wild sockeye salmon and returns of other species of Pacific salmon and where Commercial fishing remains an important part of the regional economy; and

WHEREAS, Dillingham is an important gateway to many sport fishing lodges and other eco-tourism opportunities, as well as the adjacent Wood-Tikchik State Park (the largest state park in the United States), and headquarters for nearby Togiak National Wildlife Refuge, home to walruses, seals, terrestrial mammals, migratory birds, and fish, as well as one of the largest wild herring fisheries in the world, and

WHEREAS, The Port of Dillingham serves residents in Dillingham, and many Southwest Alaska Villages, by providing docks, marine services and a wide array of other community services and facilities for commercial fishing, cargo and recreational vessels; and

WHEREAS, The Dillingham boat harbor is the only protected harbor in the area, providing moorage for approximately 400 vessels up to 32 feet in length and space for transient vessels up to 80 feet in length; and

WHEREAS, The City has prepared and adopted the Dillingham Waterfront Strategic Plan, which identifies priorities and projects intended to enhance and improve current waterfront activities, promote additional community and economic development, and increase the sustainability and resiliency of the City of Dillingham and the entire region.

NOW, THEREFORE, BE IT RESOLVED the Dillingham City Council hereby commits to provide \$500,000 in matching funds, when needed, to secure additional public or private investments that accomplish priorities and projects identified in the Dillingham Waterfront Strategic Plan.

PASSED and ADOPTED by the Dillingham City Council on April 7, 2022.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Lori Goodell, City Clerk

Committee Letter of Interest

Lori Goodell

From: Janet Dieckgrafe <dieckgrafejl@gmail.com> on behalf of Janet Dieckgrafe
Sent: Wednesday, March 9, 2022 7:21 PM
To: cityclerk@dillinghamak.us
Subject: openings

Hello,

Are the spots on the Senior Advisory commission, Library Advisory Board, and Friends of the Landfill still open?

If so, I'd like to put in my name to join them.

I'm a 7+ year resident of Dillingham, work at BBAHC, and plan on making Dillingham my permanent home.

I was on the Library committee a few years ago and really enjoyed it. However, I had to resign from it due to work responsibilities at that time. However, my schedule has opened up and now I have more time to dedicate to these activities.

Please consider me as a member of these commissions/boards.

Thank you,

Janet Dieckgrafe
907-843-1948

New Business

MEMORANDUM

DATE: April 1, 2022
TO: Dillingham City Council
FROM: Isaac Pearson, PE
RE: Nerka Subdivision Roadway Improvements – Curyung Tribe

The purpose of this memorandum is to provide an update on the Nerka Subdivision Roadway Improvements Project.

Bristol Engineering Services Company, LLC (Bristol), under contract with the Curyung Tribe (Tribe), has developed construction documents for the Nerka Roadway Improvements Project (the Project). This project was / is funded under the BIA / FHWA Tribal Transportation Program, in which the Tribe participates.

The Project, as a whole, will upgrade all the roadways within the Nerka Subdivision, See Figure 1. Unfortunately, the Tribe does not have the funding to construct the entire project, at this time. However, the Tribal Council has authorized a phased construction approach using the funds available. With the available funding we are confident that Nerka Drive can be completed in its entirety and portions of Nerka Loop / Mallard Lane may be constructed as part of an additive bid item, as funding allows. In this presentation we are not prepared to discuss estimated costs or funding availability as it may adversely affect the bidding process. This information has been discussed previously with City staff.

The proposed project will address drainage issues, utility conflicts, pedestrian / vehicular safety, and upgrade the road to an asphalt pavement surface. A new pedestrian pathway will be provided along Nerka Drive.

The Project was developed over a period of 8 years. During that time many iterations of the project were evaluated and presented to the public. Meetings with the public were held in 2012, 2013, and 2015. During the public meeting in 2015 the most contention from the public was the Teal Lane Extension, shown on Figure 1. At this time, the Teal Lane Extension is not under consideration for construction. Bristol is currently working with the Tribe to host an open house to discuss the upcoming Project with the Community. The date has not been set but we anticipate this to occur in late April / early May 2022. We will provide more information to City staff as is becomes available.

The goal is to begin construction in 2022, this summer. There are some utility coordination items that could shift the start date to the summer of 2023. We will keep the City staff updated on the project timing as more information comes available.

If the City or the public have any questions regarding the project, my contact information is provided at the end of this memorandum.

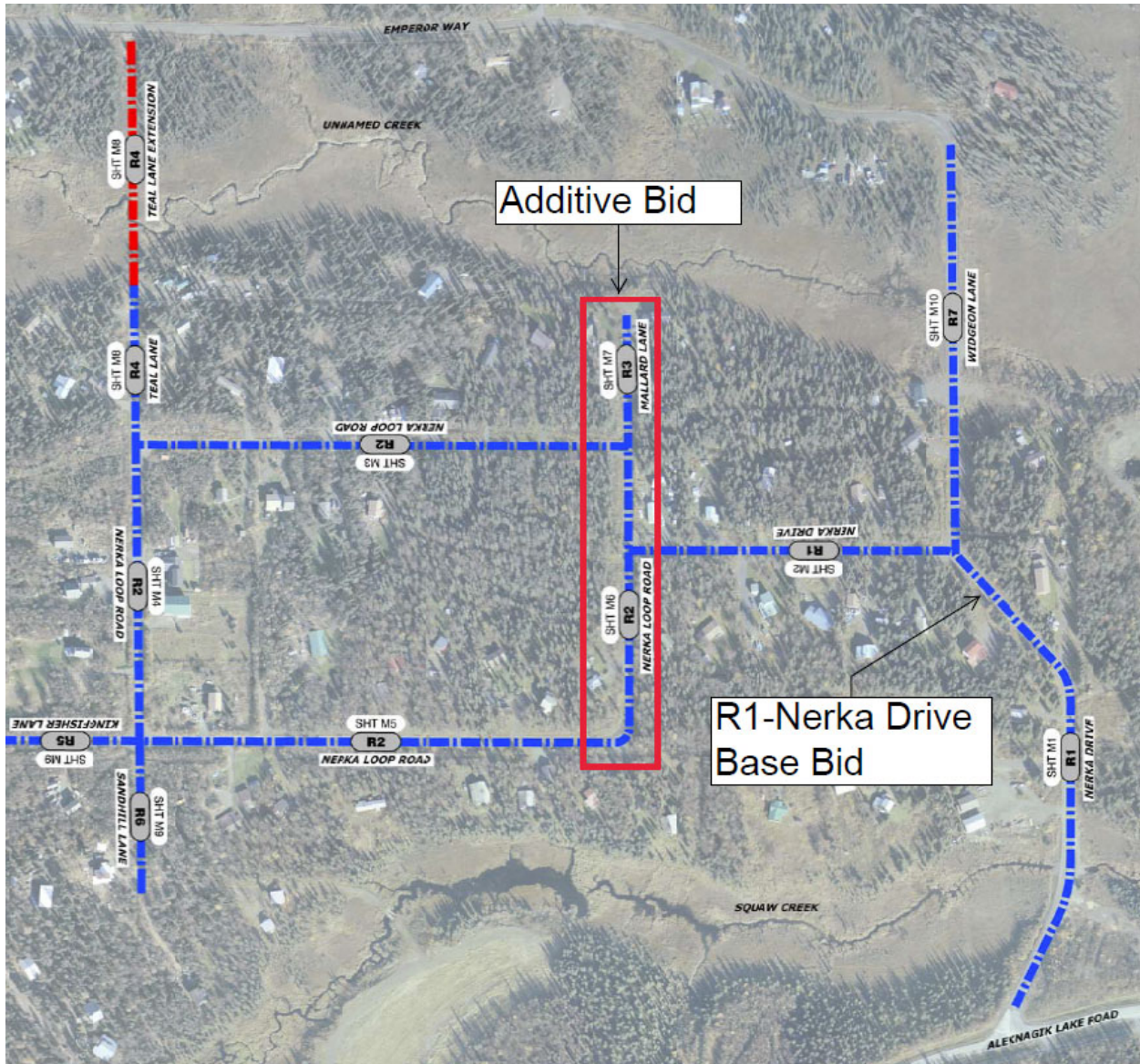


Figure 1 – Nerka Work Areas

Contact Information:

Isaac Pearson, P.E.
Senior Civil Engineer
Bristol Engineering Services Company LLC
Phone : (907) 743-9313
Mobile : (907) 351-1545
FAX : (907) 563-6713
ipearson@bristol-companies.com



Memo
April 1, 2022
Page 3

Attachment(s):

- None

Cc: File

[End]

Information

TITLE

Action Memorandum 2022-02; Authorize the City Manager to collaborate with Nushagak Cooperative for a Community Cleanup, May 19 – 21, 2022

RECOMMENDED ACTION

I move to adopt Action Memorandum 2022-02; to authorize the City Manager to collaborate with Nushagak Cooperative for a Community Cleanup, May 19 – 21, 2022.

SUMMARY OF ISSUE

This is an administrative item to coordinate the annual cleanup effort with Nushagak Cooperative.

Action Memorandum No. 2022-02

Summary Statement continued:

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

Mayor

ATTEST:

[SEAL]

City Clerk

Route to	Department Head	Date
	Finance Director	
X	Public Works Director	
X	City Clerk	

Informational packet items

RESOLUTION NO. 5005, AS AMENDED

**A RESOLUTION OPPOSING HB 55 REESTABLISHING A
DEFINED BENEFIT PROGRAM**

WHEREAS, in 2003, financial analysts working for the State of Alaska announced that the two largest public employee retirement systems in Alaska, the Public Employees Retirement System (PERS) and the Teachers Retirement System (TRS), had a combined \$5 billion unfunded liability; and

WHEREAS, the PERS and TRS unfunded liability reached \$12.4 billion in 2013; and

WHEREAS, the Senate Finance Committee, in 2005, attributed a number of factors leading to the unfunded liability, including inaccurate actuarial assumptions, historical understatement of system liabilities, rising health care costs, bearish periods in financial markets, declining interest rates, unfavorable demographic changes, artificially low contribution rates in good times, timing of the recognition of market losses, and legislation increasing benefits; and

WHEREAS, the average rate paid on PERS salaries to pay down the unfunded liability between FY2008 and FY2020 was 20.15%; and

WHEREAS, PERS employers paid over \$5.5 billion between FY2008 and FY2020 to pay down the unfunded liability; and

WHEREAS, the State of Alaska injected an additional \$3 billion into PERS and TRS in 2014; and

WHEREAS, the City of Fairbanks paid over \$23 million between FY2008 and FY2020 to pay down the unfunded liability; and

WHEREAS, instead of paying for current or future programs and services, current public dollars go to pay for benefits earned in the past; and

WHEREAS, the Alaska Retirement Management (ARM) Board estimates systemwide actuarial assets of \$32.19 billion at the end of FY 2021 with unfunded actuarial liabilities totaling \$3.97 billion; and

WHEREAS, the ARM Board projects systemwide pension benefit payments to total over \$1.5 billion annually between FY2022 and FY2050, with ongoing pension benefit payments running out to approximately FY2100; and

WHEREAS, AS 39.35.255 establishes a statutory non-State employer contribution rate of 22% and the actuarially determined contribution rate for the State as an employer; and

WHEREAS, AS 39.35.280 requires additional State contributions to make up the difference between 22% for non-State employers and the actuarially determined contribution rate; and

WHEREAS, every year since 2015 the City of Fairbanks has advocated that the State maintain the PERS employer contribution rate at 22% of salaries; and

WHEREAS, the ARM Board projects the need for \$1.86 billion in additional State contributions beyond the 22% employer rate between FY2023 and FY2039, assuming an actuarial earnings rate of 7.38%; and

WHEREAS, HB 55 proposes to (1) allow for the transfer of Peace Officer/Firefighter (P/F) active members from the State of Alaska PERS Defined Contribution Retirement (DCR) Plan to the PERS Defined Benefit (DB) Plan, and (2) provide that all future P/F hires automatically enter the PERS DB Plan rather than the PERS DCR Plan; and

WHEREAS, as of June 20, 2020, there were 2,228 P/F active members in the PERS DCR Plan with approximately \$159.2 million of DC account balances; and

WHEREAS, the State's actuary consultant has determined that if the contribution rate for P/F members' pension and healthcare benefits exceeds 9%, then HB 55 will lead to larger increases in additional State contributions compared to what would happen without HB 55; and

WHEREAS, by shifting active P/F members and all future P/F hires from the DCR Plan to the DB Plan, PERS employers will be taking on greater risk of higher contributions in future years; and

WHEREAS, the actuarially determined contribution rates for PERS between FY2008 and FY2020 averaged 31.30%, with a low of 25.01% and a high of 44.03%; and

WHEREAS, public funds discount future liabilities by the expected rate of return on their investment assets – the lower the earnings/discount rate, the greater the principal required to generate a given stream of income – thus, a high rate presents a low bar for success and a low rate, a high bar; and

WHEREAS, the State has control over pension plan promises, and the financial consequences with every pension benefit decision should be clearly understood; and

WHEREAS, persistent low-interest rates and greater uncertainty of future investment returns have created an environment where such pension promises have become increasingly expensive; and

WHEREAS, possibilities of sustained recessions can severely undermine projected rates of return similar to 2009 when PERS had a rate of return of -20.49%; and

WHEREAS, Article XII, Section 7 of the Alaska Constitution provides that "Membership in employee retirement systems of the State or its political subdivisions shall constitute a contractual relationship. Accrued benefits of these systems shall not be diminished or impaired"; and

WHEREAS, the Alaska Supreme Court has interpreted this provision to mean that "system benefits offered to retirees when an employee is first employed and as improved during the employee's tenure may not be 'diminished or impaired'"; and

WHEREAS, the proposed Tier 5 is only offered to certain individuals which raises a serious fairness issue and an inevitable desire by others to be included; and

WHEREAS, inclusion of overtime pay in determining an employee's wages in the past DB program was a serious problem and will continue to be so in HB 55 when determining the high five years, especially with public safety employees where annual overtime earned can actually exceed their annual base pay; and

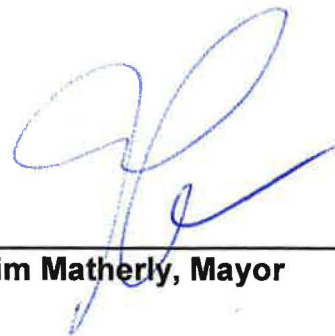
WHEREAS, the City of Fairbanks has many different tools that can be used for employee retention that do not carry the risks and costs that DB programs bring with them.

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks City Council is opposed to returning to a defined benefit program where legal promises are made to retirees regardless of the ability to pay for them; and

BE IT FURTHER RESOLVED that the billions of dollars that have been lost funding DB debt over the years has greatly hurt both the State of Alaska and municipalities in providing services to residents which should be the primary focus and mission; and

BE IT FURTHER RESOLVED that the City Clerk is directed to forward copies of this Resolution to members of the Alaska State Legislature, all home-rule and first-class municipalities, and the Alaska Municipal League.

PASSED and APPROVED this 28th day of February 2022.



Jim Matherly, Mayor

AYES: Gibson, Cleworth, Marney, Clark
NAYS: Therrien, Rogers
ABSENT: None
APPROVED: February 28, 2022

ATTEST:

APPROVED AS TO FORM:



D. Danyelle Snider, MMC, City Clerk



Paul Ewers, City Attorney