



CODE REVIEW COMMITTEE MEETING

Tuesday, November 09, 2021 at 5:30 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

CODE REVIEW COMMITTEE MEETING

CITY HALL COUNCIL CHAMBERS

Limited Seating Available - Masks Required

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/86926403736?pwd=dDVnNHRqNEoxZDFJRlVZXTS93SGE0UT09>

Meeting ID: 869 2640 3736; participant #; passcode: 279111

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

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

- [1.](#) Minutes of September 16, 2021

APPROVAL OF AGENDA

UNFINISHED BUSINESS

- [2.](#) Trapping in City Limits
- [3.](#) Public Comment Policy

NEW BUSINESS

PUBLIC COMMENT/COMMITTEE COMMENTS

ADJOURNMENT



CODE REVIEW COMMITTEE MEETING

Thursday, September 16, 2021 at 5:30 PM

MINUTES

CALL TO ORDER

The Code Review Committee met on Thursday, September 16, 2021, in the City Council Chambers, Dillingham, AK. Council Member Chris Napoli chaired the meeting and called the meeting to order at 5:03 p.m.

ROLL CALL

Committee Members present:

Mayor Alice Ruby
Lori Goodell

Chris Napoli
Aksel Buholm

Gregg Marxmiller

Chris Hladick – Excused

APPROVAL OF MINUTES

1. Minutes of July 29, 2021

MOTION: Alice Ruby moved and Gregg Marxmiller seconded the motion to approve the minutes of July 29, 2021.

VOTE: The motion passed unanimously by voice vote.

APPROVAL OF AGENDA

MOTION: Gregg Marxmiller moved and Lori Goodell seconded the motion to approve the agenda.

Item 3. Trapping in City Limits will be postponed to the next regular Code Review Committee meeting.

VOTE: The motion passed by unanimous consent.

UNFINISHED BUSINESS

2. Review Task List

Item 1 and 2 on the list; Sales Tax Exemption review regarding lease, and Casual and Isolated sales review will be moved to the next regular Code Review Committee meeting.

3. Trapping in City Limits

This item has been postponed to the next meeting.

NEW BUSINESS

4. Develop Public Comment Policy

- Modify Unalaska policy to adhere to Dillingham Municipal Code, and council agenda.

- Submitted comments should NOT be read, this could lead to misinterpreting the authors intent. Instead it will be noted who sent in comments and the subject they commented on. Comments to be available in the packet.
- Include language regarding extra time needed for those whose primary language is not English.
- Define contact person, method of delivery for comments outside of meetings, and deadlines.

PUBLIC COMMENT/COMMITTEE COMMENTS

- Public comments included in the packet were good examples.
- Big meeting planned for October.

ADJOURNMENT

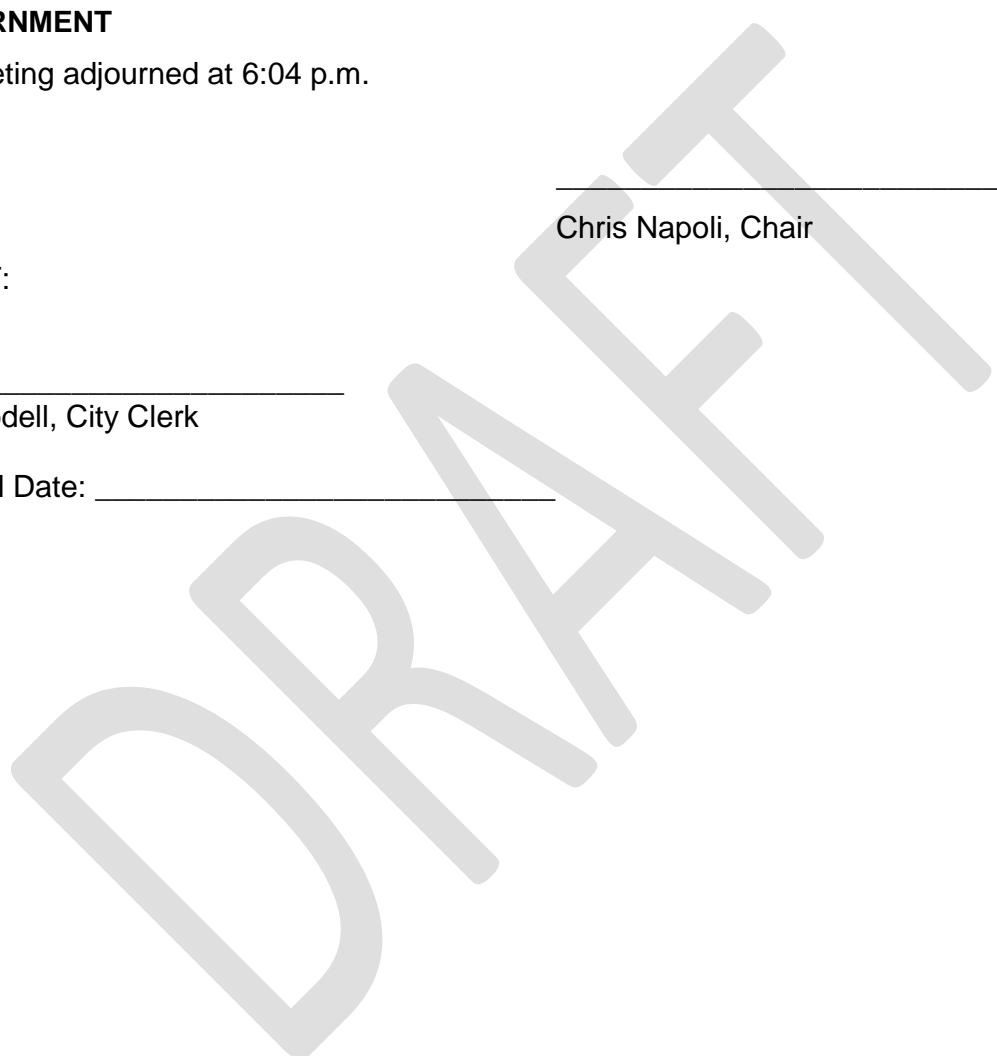
The meeting adjourned at 6:04 p.m.

Chris Napoli, Chair

ATTEST:

Lori Goodell, City Clerk

Approval Date: _____



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MEMORANDUM

TO: CHRIS HLADICK
INTERIM CITY MANAGER

FROM: BROOKS CHANDLER
CITY ATTORNEY



DATE: September 15, 2021

RE: City Regulation of Trapping

You asked whether the City of Dillingham may regulate trapping within city boundaries. Based on our review of state statutes, state regulations and court cases regarding the extent of local authority on matters also regulated by the State in our opinion the answer is YES- to a limited extent. The City can certainly prohibit trapping on property owned by the City and has limited authority to regulate non-commercial and non-sport trapping within city boundaries. But the City does not have general authority to regulate sport or commercial trapping subject to State regulation within Dillingham. The reasons for these conclusions are set forth in greater detail below.

Alaska Constitution

Article VIII, Section 1 sets as state policy making state resources “available for maximum use consistent with the public interest.” With regard to fish and game the constution “reserves” these resources “to the people for common use”.

State Regulation of Trapping

AS 16.05.255 authorizes the State of Alaska Board of Game to adopt regulations establishing seasons and areas for the taking of game including trapping of fur bearing animals and to regulate the means and methods employed in trapping. The Board has exercised this authority in the Dillingham area. Dillingham is in game management unit 17C. 5 AAC 84.270 sets bag limits and trapping seasons in Unit 17C by species. 5 AAC 84.275 prohibits trapping without a license except for persons under the age of 18. The state also regulates the means and methods of trapping including use of bait in traps and the “jaw spread” of conventional steel traps. 5 AAC 92.095. The State includes trapping as a permitted subsistence use of various species. 5 AAC 99.025(13).

No areas within Unit 17C are closed to trapping. However the state trapping regulation booklet advises trappers “local regulations, ordinances, or state park rules may prohibit access, trapping, or the use of firearms, or require an access permit. It is your responsibility as a trapper to check with the landowner before you trap.”

Rules About Dual State and Local Regulation.

The City can regulate activities also subject to state regulation. However there are restrictions on the extent of municipal authority over conduct regulated by the State. If state statutes or the Alaska Constitution indicate an intent to preclude local authority the City cannot regulate. And a municipal regulation cannot conflict with the purpose of a state regulation or statute.

When it comes to trapping the Alaska Constitution indicates an intent that harvesting fish and game is a matter exclusively controlled by the State of Alaska. And it would conflict with the existing state regulation specifying areas open for commercial, sport and subsistence trapping for the City to close such areas to trapping with one exception. It is well recognized that a private landowner can prohibit access to private property for the conduct of hunting, fishing and trapping activity permitted by the State of Alaska.

What the City Can Regulate

The City can prohibit trapping on some or all city property or within a specified distance of an officially designated trail or within a city easement. The City can restrict the means and methods of trapping non-commercial species not subject to state regulation. (For example, requiring the use of live trap methods rather than spring traps or snares). The City could require monitoring of traps set within city limits on a specified basis and require humane care of dogs caught in traps within Dillingham.

Let me know if there are additional questions on this topic.

DILLINGHAM CITY COUNCIL POLICY FOR PUBLIC COMMENT AT MEETINGS OF THE CITY COUNCIL

Adopted by Resolution 2021-xx on November 4, 2021

PURPOSE: The purpose of this policy is to provide guidelines for public comment at meetings of the Dillingham City Council.

SCOPE: This policy applies to all regular meetings, special meetings and work sessions.

BACKGROUND: City Council meetings are designed for the Council to discuss and make decisions on issues before the Council. A meeting of the City Council is held in public to provide transparency in the decision-making process. Opportunities for public input are provided and the City Council takes the input into consideration in making decisions.

The Dillingham Municipal Code provides numerous opportunities for public comment during regular council meetings:

- a) Public hearings - § 2.09.080(A)(6): When an item requires public hearing by statute or ordinance, the presiding officer will open the public hearing for members of the public to provide comment.

- b) Citizens' discussion (prior notice or agenda items) - § 2.09.080(A)(7): This is a time for members of the public to provide information to Council regarding any item listed on the agenda; or if the speaker does not wish to wait until later in the meeting, to provide information to Council if prior notice was given.

- c) Citizens' discussion (open to public) - § 2.09.080(A)(11): This is a time for members of the public to provide information to Council on any issue.

Opportunities for public comment at special meetings will be provided in accordance with the agenda for that special meeting, which shall include a public comment period on the agenda.

During a work session, members of the audience wishing to testify may raise their hand and be recognized by the Mayor.

STATEMENT OF POLICY: The purpose of public comment is for citizens to provide information and inform the City Council about their opinions. The Mayor and City Council value community input and encourage participation in public comment opportunities at meetings of the City Council.

Public comment opportunities are not a time for members of the public to ask questions of, or engage in dialogue with the Mayor, City Council Members or City Staff. Community members are encouraged to contact City Staff during normal business hours, or to contact the Mayor and City Council members directly.

These guidelines apply to all types of public comment opportunities described above.

1. Public Comment by spoken or written word is limited to three (3) minutes per person. Persons may not give their time to another person and may address a single topic or agenda item only once during a meeting. If a need arises, the meeting chair has the authority to waive this formality at their discretion § 2.09.100(C).
2. PUBLIC COMMENT IN PERSON
 - a. Wait to be recognized by the presiding officer.
 - b. Use the microphone provided.
 - c. State your name.
 - d. Address all comments to the Mayor and City Council as a body.
3. PUBLIC COMMENT BY AUDIO OR VIDEO PLATFORMS
 - a. In order to promote an orderly meeting, all persons participating by telephone or online platforms must notify the City Clerk by email at cityclerk@dillinghamak.us or phone (907)842.5212, or by using notification features available in the online platform (i.e. in ZOOM, the “raise your hand” feature, or *9 by telephone). Participants may also choose to notify the City Clerk during regular business hours before the start of the meeting. By necessity, this requirement applies to all opportunities for public comment for persons participating by telephone or online. *(See alternate language below)*
 - b. At the appointed time, the speaker will be allowed to un-mute.
 - c. Wait to be recognized by the presiding officer.
 - d. State your name.
 - e. Address all comments to the Mayor and City Council as a body.
4. WRITTEN COMMENT
 - a. Written comment is accepted by the following methods:
 - i. regular mail, City of Dillingham, PO Box 889, Dillingham AK 99576
 - ii. email at cityclerk@dillinghamak.us, communitysuggestions@dillinghamak.us
 - iii. fax, (907)842-2060
 - iv. hand delivery, City Hall 141 Main Street Dillingham AK
 - b. The name of the person providing written comment must be included.
 - c. Written comment shall be submitted to the City Clerk’s department no later than the Thursday prior to the council meeting for inclusion in the council packet. If received after the packet has been published the comments will automatically be included in the next regular council meeting packet.
 - d. Written comments submitted will be noted by listing the name of the person that provided the comments and the main subject matter on the agenda under Citizens’ discussion (prior notice or agenda items) - § 2.09.080(A)(7).
5. SOCIAL MEDIA
 - a. Public comment is NOT taken via any social media platform.

3.a. In order to promote an orderly meeting, all persons participating by telephone or online platforms must notify the City Clerk by 3:00 p.m. the day of the meeting, by email at cityclerk@dillinghamak.us or phone (907)842.5212. To be recognized during the meeting the name used in Zoom or phone number calling from must be given when notifying the Clerk. By necessity, this requirement applies to all opportunities for public comment for persons participating by telephone or online.

2.08.010 Meetings—Public participation.

Meetings of all municipal bodies shall be public as provided in AS 44.62.310 and AS 44.62.312. The council or other municipal body shall provide reasonable opportunity for the public to be heard at regular and special meetings. (Ord. 77-5 § 2 (part), 1977; Ord. 84-8, 1984; Ord. 86-8 § 1, 1986.)

2.09.080 Order of business.

A. The order of business for the regular meetings of the city council shall be as follows:

1. Call to order;
2. Roll call;
3. Approval of minutes;
4. Approval of consent calendar and regular agenda;
5. Staff reports;
 - a. Strategic plan report,
 - b. City manager and staff reports,
 - c. Standing committee reports;
6. Public hearings;
7. Citizens' ~~discussion~~ **comment** (~~prior notice or~~ agenda items);
8. Ordinances and resolutions;
9. Unfinished business;
10. New business;
11. Citizens ~~discussion~~ **comment** (open to public);
12. Council discussion;
13. Mayor's discussion;
14. Adjournment.

2.09.100 Addressing the council by the public.

A. Generally. The following process shall be utilized as a means to adequately address public concerns in a timely manner:

1. When a council member is approached by a person with a concern, the council member should ask the person if they have spoken to the department head or city manager. If not, they should be asked to do so stating that if you don't get satisfaction at that level then ask the mayor to place it on the agenda.
2. The mayor should decide whether or not the issue should be on the agenda, and direct the city manager to present written materials on the issue for the next meeting. The mayor always has the option of meeting with the individual and the city manager prior to the meeting to aid in finding a resolution.
3. The city council then has clear correspondence on the issues from the person with the concern (if possible), the city manager and possibly the mayor prior to the meeting.
4. If the person refuses to meet with the city manager and still wants to address the council they should be asked to place in writing what the problem is so that staff can prepare for the meeting. If the person refuses to

put their concerns in writing, they will have the opportunity to address the council on any subject during the second citizens discussion.

B. Public Hearings. Taxpayers or residents of the city or their authorized legal representatives may address the council in regard to matters under discussion.

C. Citizens' Discussion. Taxpayers or residents of the city or their authorized representatives may address the council by oral communication on any matters concerning the council's approved agenda; the speaker will be allowed three minutes. The chair shall have the authority to waive this formality at his/her discretion.

D. Spokesman for Group of Persons. When any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to request that a spokesman be chosen by the group to address the council, and in that case, if additional members of the same group are to be presented at that time, to limit the number of persons so addressing the council so as to avoid repetition before the council. (Ord. 84-8, 1984; Ord. 86-8 § 1, 1986; Ord. 96-17 § 1, 1996; Ord. 99-03 § 1, 1999.)

2.09.110 Decorum.

A. By Council Members. When the council is in session, the council members must preserve order and decorum and no council member shall, by conversation or otherwise, neither delay nor interrupt the proceedings or the peace of the council, nor disturb any council member while speaking, nor refuse to obey the orders of the council or the person presiding.

B. By Other Persons. Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the council, shall be barred from further audience at the meeting before the council by the presiding officer, unless permission to continue is granted by a majority vote of the council.

C. Enforcement. The chief of police or his designee shall be ex officio sergeant-at-arms of the council but need not be present at each meeting unless requested. Any police officer shall carry out all orders and instructions given him or her by the presiding officer for the purpose of maintaining order and decorum in the council chambers. Any person in the audience who uses loud, boisterous or profane language at a council meeting, or language tending to bring the council or any council member into contempt, or any person who persistently interrupts the proceedings of the council or refuses to keep quiet or take a seat when ordered to do so by the presiding officer, shall be deemed guilty of a misdemeanor. Upon instruction from the presiding officer, it shall be the duty of any police officer present to eject the person from the council chambers, or place him or her under arrest, or both. (Ord. 84-8, 1984; Ord. 86-8 § 1, 1986.)